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GAS & WATER ACTS

1817—1902

WITH FULL INDEX

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BY

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One of His Majesty's Counsel.

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COMPLETE

GAS AND WATER ACTS

1817—1902

WITH FULL INDEX

THE ACTS

RELATING TO THE

SUPPLY OF GAS & WATER

BY

COMPANIES AND LOCAL AUTHORITIES

WITH

REFERENCE NOTES

AND

FULL INDEX

COMPILED BY

JOSEPH REESON

Late Assistant Secretary and Registrar to The Gas Light and Coke Company

COMPLETE TO ADJOURNMENT OF PARLIAMENT;
AUGUST, 1902.

LONDON

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PREFACE.

A SMALLER edition of this collection of Acts was published in 1874, under the title of The General Acts relating to the Supply of Gas and Water. It has long since been out of print, but the official duties of the compiler have hitherto prevented the publication of another edition.

In the interval, the limits of the subject have been greatly extended by the granting to local authorities, under various Public Health and other Acts, of powers for the municipal supply of gas and water, and, in addition to the numerous enactments relating to this important part of the subject, a variety of others of miscellaneous application have been added, including the following, viz. :—

1. Those providing for :—
   (a) The regulation, by means of a sliding scale, of the amount of dividend payable to gas shareholders in accordance with the price charged for gas.
   (b) The sale of new shares or stock of gas companies by auction or tender, or, at market prices, to gas consumers and employees of such companies, and the use of any amounts of premium obtained thereby for expenditure as capital without the payment of any dividend thereon.

(c) The improvement of the conduct of gas testing in London.

(d) The extension, in London, of the system of laying pipes in subways.

2. Those for more effectually securing a proper and sufficient supply of water, including those providing for mutual supply, by metropolitan water companies, in cases of emergency.

3. Those contained in the Alkali Acts and other Acts for the regulation of manufactories, having for their object:—

(a) The abatement of nuisance caused by the discharge of smoke and of noxious and offensive gases.

(b) The prevention of the pollution of rivers and streams.

4. Those for varying the local authorities for the administration of the several Acts.

This edition includes all the general enactments in force in all parts of the United Kingdom, as applicable to both companies and local authorities, and as amended up to the present time, relating not only to the main subject of the work, but also to all subjects intimately connected therewith, a special feature being the inclusion of the provisions as to the laying of gas and water pipes, both underground and in subways, contained in various Acts relating to the management of the metropolis, and those providing for the prevention of or for protection against damage to such pipes generally, either from disturbance or breakage by underground works or by heavy road locomotives, or from electrolytic action through the supply of energy for electric lighting or electric traction.

The volume is divided into two Parts. Part I. consists of Acts of more or less general application, and Part II. contains clauses relating to the supply and testing of gas in London, taken from private Acts of the metro-

politan gas companies extending from 1868 to 1902, including those embodying, in their earliest as well as their latest forms, the provisions as to the sliding scale and the sale of shares or stock already alluded to. Part II. is followed by six appendices, comprising sundry rules, regulations and bye-laws made in pursuance of or in relation to several of the Acts.

The Acts are arranged in the order in which they were passed, so that any Act of which the name and date are known can be easily found in its position, according to its name and date as given at the top of the page, without the necessity of a reference to the tables of contents, except, perhaps, in a few instances where several of the Acts were passed in the same session. By the adoption of the chronological order of arrangement, a view is also obtained of the gradual development of the legislation on the subjects of the various Acts, and in the Index the same order is adhered to in cases in which several Acts are referred to under the headings.

Having regard to the provision contained in the eighth section of the Interpretation Act, 1889, viz., "Every section of an Act shall have effect as a substantive enactment, without introductory words," such words are omitted wherever they can be dispensed with. Where, however, they are expressly repealed, a reference to the repeal is given.

The notes printed between the sections and at the bottoms of the pages contain references to repealing and amending enactments as well as to many additional or corresponding provisions. They also point out short titles of Acts, changes in local authorities, and other matters in relation to the text which have appeared to be of interest. They do not, however, deal with legal views, interpretations, or decisions, nor with any such questions as are usually referred to legal advisers, the

work being intended for use and ready reference in the ordinary course of business. Such notes are, however, the result of considerable research, and will, it is hoped, be of assistance to those who may refer to them.

For facility of reference, three tables of contents are given, arranged respectively in chronological, alphabetical, and subject-matter order, the last-mentioned showing at a glance what Acts or enactments are applicable to the various matters dealt with.

The index is a very full one, and the references therein are to the sections of the Acts as well as to the pages on which they appear, the object having been to save the expenditure of time and trouble in searching for the provision required after the page on which it is printed has been found.

A feature of the work is the inclusion of interpretations of terms used, not only in complete Acts, but also in extracts therefrom; and, for the further elucidation of the text, many interpretations from the Interpretation Act, 1889, are also included.

It may be added that, if the important Bill now before Parliament on the subject of the supply of water to London should be passed, the compiler proposes to publish it as a supplement, uniform with the present work.

LONDON, *October*, 1902.

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2. ALPHABETICAL ,,
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1. CHRONOLOGICAL TABLE OF CONTENTS.

NOTE.—In the following tables, the Capital Letters immediately preceding the numbers of the pages denote the extent of the application of the several Acts, viz.:—

E. to England. (*a*)
E. & I. ,, England and Ireland.
G. B. ,, Great Britain, viz. England (*a*) and Scotland.
I. ,, Ireland.
C. L. ,, The City of London.
M. ,, The Metropolis.
S. ,, Scotland.
U. K. ,, The United Kingdom, viz. England (*a*), Scotland and Ireland. (*b*)

(*a*) Including Wales and Berwick-upon-Tweed. See Wales and Berwick Act, 1746. (20 Geo. 2. c. 42.)

(*b*) In all Acts passed since 1st January, 1890, unless the contrary intention appears, the expression "British Islands" means the United Kingdom, the Channel Islands and the Isle of Man. See Interpretation Act, 1889, s. 18.

PART I.

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(*a*) Including Channel Islands. See note (*a*), p. 173.

(*b*) Extended to whole district of Gaslight and Coke Company by that Company's Act of 1868, s. 109, p. 512.

(*c*) Except Metropolis.

(*d*) Including Isle of Man. See s. 3, p. 280.

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(*a*) Except Metropolis.
(*b*) Including Isle of Man. See note (*a*), p. 320.
(*c*) For Limits, see s. 1, p. 358.
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(*a*) Application to London limited. See s. 2. (2), p. 486.
(*b*) Except Metropolis.

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(*a*) Extended to whole district of Gaslight and Coke Company by that Company's Act of 1868, s. 109, p. 512.

(*b*) District of Gaslight and Coke Company. See p. 302.

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(*a*) Application to London limited. See s. 2 (2), p. 486.
(*b*) Except Metropolis. See s. 15.

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41 & 42 Vict., c. 76	Telegraph Act, 1878 (in part)	U. K. (*e*)	320
57 & 58 Vict., c. 187	Thames Conservancy Act, 1894 (in part)	E. (*f*)	431
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(*a*) For saving as to Scotland, see s. 3, p. 416.
(*b*) Except Metropolis.
(*c*) Including Isle of Man. See s. 3, p. 280.
(*d*) Including Channel Islands. See note (*a*), p. 173.
(*e*) Including Isle of Man. See note (*a*), p. 320.
(*f*) In counties, as per s. 90, p. 433.

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(*b*) Except Metropolis. (*c*) District of Gaslight and Coke Company. See p. 302.

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(*a*) Except Metropolis.
(*b*) See also Index, under headings "Rivers," "Streams."
(*c*) In counties as per s. 90, p. 433.
(*d*) As incorporated by Gasworks and Waterworks Clauses Acts, 1847, ss. 40 and 85 thereof respectively, pp. 49, 81.
(*e*) For saving as to Scotland, see s. 3, p. 416.

PART I.

GENERAL ACTS.

METROPOLITAN PAVING ACT, 1817.

57 Geo. 3, Cap. 29. An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein. *(a)*

[Preamble.] [16th June 1817.]

[1. Act to extend to all Streets within the Metropolis and the Bills of Mortality, and Pancras and Mary-le-bone.] *(b)*

* * *

(a) This Act is commonly known under the short title given above, also as the "General Paving (Metropolis) Act, 1817," also as "Michael Angelo Taylor's Act." The provisions thereof here given are applicable under the Gasworks Clauses Act, 1847, s. 47, p. 51, the Waterworks Clauses Act, 1847, s. 92, p. 83, and the Metropolis Management Amendment Act, 1862, s 73, p. 164.

For the vesting of all powers relating to paving, &c., in parishes and districts in the Metropolis outside the City of London, in Vestries and District Boards of Works, see Metropolis Management Act, 1855, s. 90, pp. 115, 116, and for the subsequent vesting of such powers in Metropolitan Borough Councils, see London Government Act, 1899, s. 4, p. 483. As to Westminster, Council of City of Westminster. See London Gazette, October 30, 1900, as to Letters Patent constituting Westminster a City. For the vesting of such powers within the City of London in the Mayor and Commonalty and Citizens of the City of London, to be exercised by the Commissioners of Sewers thereof, see City of London Sewers Act, 1848, s. 5, p. 90, and for the subsequent provision for the exercise of such powers by the Common Council, see City of London Sewers Act, 1897, s. 7, p. 470.

(b) For extension to the whole of the Metropolis of the powers contained in this Act, so far as the same were in force on the 7th August, 1862, and were not inconsistent with the provisions of the Metropolis Management Acts, 1855-1862, see Metropolis Management Amendment Act, 1862, s. 73, p. 164.

57 Geo. 3, Cap. 29.

[X. Notice of the Appointment of Surveyor to be given to Water and Gas Companies, and Commissioners of Sewers.]

[XI. Previous Notice to be given by Companies and Commissioners of Sewers to Surveyors before they break up any Pavement except for Repairs. See now City of London Sewers Act, 1848, s. 134, p. 94, and Metropolis Management Act, 1855, s. 109, pp. 116, 117.] (*a*)

[XII. New Mains of Water Pipes, &c., to be made of Iron, and not laid down during the Months of December, January, or February. See now Metropolis Management Act, 1855, s. 109, pp. 116, 117.] (*a*)

Plans of Pipes and Sewers may be examined by Surveyors of Pavement.

XIII. It shall and may be lawful to and for any Person appointed to act as a Surveyor of the Pavements in any parochial or other District within the Jurisdiction of this Act, and to and for any other Person or Persons appointed by the Commissioners or Trustees, or other Persons having the Control of the Pavements of any such parochial or other District (*b*) when he shall be directed so to do by the Commissioners or Trustees or other Persons (*b*) by whom he or they shall be appointed to act, from Time to Time and at any Times between the Hours of Ten of the Clock in the Forenoon and of Four of the Clock in the Afternoon of any Day not being a *Sunday* or Holiday appointed by Law, at the Office or Counting-house of any Water or Gas Light Company, any of whose Pipes for the Conveyance of Water or of inflammable Air or Gas shall then be laid beneath the Surface of any of the Streets or public Places within each of such parochial or other Districts, the Pavements whereof shall be under the Control of such several Commissioners or Trustees, or other Persons (*b*) or for which any such Surveyor shall be appointed to act, and at the Office of any Commissioners of Sewers then having Jurisdiction over the common and public Drains and Sewers within every such parochial or other District to examine and inspect any and every Map or Plan, or Draft or Survey, or Delineation or Description of all and every the Main of Pipes and Pipes belonging to any of such Water or Gas Light Companies, then possessed by them, or being in their Custody or Power, and any and every Map or Plan, or Draft or Survey, Delineation or Description, of the common and public Drains or Sewers being within such parochial or other District, and under the Jurisdiction of such Com-

(*a*) It is here assumed that the later provisions referred to were intended to supersede the earlier ones, of which the heads only are therefore given. See Metropolis Management Act, 1855, s. 247, p. 120.

(*b*) Now Borough Councils outside City of London, and Common Council within. See note (*a*), p. 1.

missioners of Sewers then possessed by them, or being in their Custody or Power, he such Surveyor for the Time being, or such other Person or Persons appointed by the said Commissioners or Trustees, or other Persons having the Control of the Pavements in any such parochial or other District (*a*) having given to a Clerk or Secretary of any such Company or Commissioners of Sewers or having left at the Office or Counting-house of such Company or Commissioners of Sewers Two Days previous Notice in Writing of his or their Intention to attend at the Office or Counting-house of such Companies or Commissioners of Sewers for the Purpose aforesaid; and that the Secretary or Clerk, or some other Officer of such Company or Commissioners of Sewers shall then and there produce and show, or cause to be produced and shown, unto such Surveyor or other Person or Persons, all and every the Maps, Plans, Drafts, Surveys, Delineations, and Descriptions aforesaid, in the Custody or Power of the said Company or Commissioners of Sewers and shall permit him or them then and there to take Extracts therefrom, or Copies thereof, or of and from any of them, or any Part of any of them so far as may relate to the Mains of Pipes or Pipes, and to the public or common Sewers or Drains which shall be laid or be beneath the Surface of the Streets or public Places within the parochial or other District for which such Surveyor of Pavements, or other Person or Persons appointed by any such Commissioners or Trustees, or other Persons having the Control of Pavements (*a*) shall be deputed or directed to act.

Officers of Companies, &c. to notify their Names and Places of Abode to Surveyors of Pavements.

XIV. All and every the Secretaries or Clerks, Surveyors or Inspectors, and the several and respective Turncocks employed or appointed, or hereafter being employed or appointed by all and every the Water and Gas Light Companies, any of whose Pipes shall be laid beneath the Surface of any Street or public Place in any parochial or other District within the Jurisdiction of this Act, and also all and every the Clerk and Clerks, Secretary and Secretaries appointed or being hereafter appointed by any Commissioners of Sewers whose Jurisdiction shall extend over the common or public Drains or Sewers within every such parochial or other District within Forty Days next after the passing of this Act, or within the Space of Five Days next after he or they shall be hereafter severally appointed to such several Offices, Situations, or Employments, shall give Notice in Writing to each and every of the Clerk or Clerks to the Commissioners or Trustees, or

(*a*) Now Borough Councils outside City of London, and Common Council within. See note (*a*), p. 1.

57 Geo. 3, Cap. 29.

other Persons having the Control of the Pavements (*a*) or to the Surveyor and Surveyors of the Pavements of each parochial or other District, beneath the Surface of the Streets or public Places wherein the Mains or Pipes of such Company, or any of them, shall be laid, or there shall be any common or public Drains or Sewers within the Jurisdiction of such Commissioners of Sewers of his, their, and every of their Christian and Surnames and Place or Places of Abode, and of the Company or Commissioners of Sewers by whom he or they is or are, or hath or have been so appointed or employed, and also of the Place which is appointed as the Office or Counting-house of the said Company or Commissioners of Sewers; and that in case any such Person or Persons shall neglect to give such Notice within the respective Times aforesaid, every such Person or Persons so offending in either of the said Cases shall forfeit and pay the Sum of Ten Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures are hereafter directed to be recovered by virtue of this Act.

Surveyor may require Repair of Pipes and Drains when defective.

XV. When and so often as it shall appear to any Person appointed to act as a Surveyor of Pavements in any parochial or other District within the Jurisdiction of this Act, that any Pipe or Pipes, Stopcock, Plug, or other Thing belonging to any Water or Gas Light Company, or that any public Sewer beneath the Surface of the Pavement of any Street or public Place within such parochial or other District, be broken or damaged, it shall be lawful for such Surveyor, and he is hereby required to give immediate Notice, signed by himself, to the Company or Commissioners of Sewers to whom it may appear to him that such Pipe or Stopcock, Plug, or other Thing, or Sewer, doth or may belong, by either giving such Notice to a Clerk or Secretary, or to a Turncock of such Company, or to a Clerk or Secretary of such Commissioners of Sewers, or to some or one of them, or by leaving the same at the Place or Places of Abode of some or one of them, or at the Office or Counting-house of such Company or Commissioners of Sewers and shall require that such Pipe, Stopcock, Plug, or other Thing, or Sewer, be examined, and, if needful, that such Pipe, Stopcock, Plug, or other Thing be repaired, altered, amended, or renewed, and such Sewer be repaired by such Company, or Commissioners of Sewers; and that within Forty-eight Hours after such Notice shall be so given or left as aforesaid, the said Company or Commissioners of Sewers, to or for

Notice to be given to repair them.

(*a*) Now Borough Councils outside City of London, and Common Council within. See note (*a*), p. 1.

57 Geo. 3. Cap. 29.

whom, or to or for whose Officer or Servant such Notice shall have been given or left as aforesaid, shall cause to be taken up the Pavement of the Street or public Place beneath which the Pipe, Stopcock, Plug, or other defective Thing, or Sewer, shall be, and shall cause the Ground to be opened, and shall also cause the said Pipe, Stopcock, Plug, or other Thing to be substantially repaired, altered, amended, or renewed, or the said Sewer to be examined, and, if necessary, to be substantially repaired, and the Ground properly filled in with hard Rubbish or other good Materials, and rammed down, within Forty-eight Hours next after such Notice shall be given or left as aforesaid, or with all convenient Expedition, in the Judgment of the Commissioners, Trustees, or other Persons having the Control of the Pavements (*a*) in the parochial or other District wherein such Pavement, Street, or public Place shall be situate, and to their Satisfaction, or the Satisfaction of any Three or more of them; and also within Twelve Hours after such Pipe, Stopcock, Plug, or other Thing shall be so substantially repaired, altered, amended, or renewed, or such Sewer shall be so substantially repaired, and the Ground above the same shall be so filled in and rammed down, the said Company or Commissioners of Sewers shall cause Notice thereof, signed by the Clerk or Secretary to such Company or Commissioners of Sewers, to be given to the said Surveyor of Pavements, or to the Pavior or Paviors or other Persons then employed or appointed by the Commissioners or Trustees, or other Persons having the Control of the Pavements (*a*) in such parochial or other District, to pave and repair the Pavements within such parochial or other District, as the said Commissioners or Trustees or other Persons (*a*) for the Time being may from Time to Time direct, that such Examination, and, if necessary, such Reparation, Alteration, Amendment, or Renewal, hath been made pursuant to such Notice of the Surveyor of Pavements, and that the Ground hath been refilled and rammed down, that the Pavement in such Street or public Place may be forthwith relaid in the Manner directed by this Act; and in case the Water or Gas Company, or Commissioners of Sewers, to or for whom such Notice of the Surveyor of Pavements shall have been given or left as aforesaid, and to whom such Pipe, Stopcock, Plug, or other Thing, or Sewer, referred to in such Notice shall belong, shall neglect to cause the same to be repaired, altered or amended, or renewed, as the Case may be, and the Ground

Penalty on Company to whom the Pipes belong for not repairing them, and giving Notice thereof to the Pavior;

(*a*) Now Borough Councils outside City of London, and Common Council within. See note (*a*), p. 1.

57 Geo. 3, Cap. 29.

to be filled in and rammed down to the Satisfaction of the said Commissioners, Trustees, or other Persons having the Control of the Pavements (*a*) in such parochial or other District, or any Three or more of them, within the Time herein-before limited and appointed for those Purposes, or shall neglect to give or cause to be given Notice thereof as aforesaid to the said Surveyor of the Pavements, or to the Pavior or Paviors, or other Persons employed or appointed by the Commissioners or Trustees, or other Persons having the Control of the Pavements (*a*) in such parochial or other District, to pave and repair the Pavement within such parochial or other District; then the said Company or Commissioners of Sewers shall for the first Neglect and Offence forfeit and pay the Sum of Five Pounds, and for the second Neglect and Offence shall forfeit and shall pay the Sum of Eight Pounds, and for the third and every subsequent Neglect and Offence shall forfeit and shall pay the Sum of Ten Pounds, to be recovered in the same Manner in which other Penalties and Forfeitures are directed to be recovered by virtue of this Act.

[XVI. And if such Request should not be made to the proper Parties, subsequent Information shall be given to them. See now City of London Sewers Act, 1848, s. 140, pp. 96, 97, and Metropolis Management Act, 1855, s. 113, p. 119.] (*b*)

[XVII. Repairs and Works by Companies, &c., to be executed with all convenient Expedition. See now City of London Sewers Act, 1848, ss. 136, 138, pp. 94, 95, and Metropolis Management Act, 1855, ss. 110, 111, pp. 117, 118.] (*b*)

Rubbish and Obstructions occasioned in Streets by the Repairs of Pipes, &c. to be speedily removed.

XVIII. All Dirt, Gravel, Filth, Rubbish, and other Things, which at any Time or Times after the passing of this Act, shall be placed, collected, or occasioned by or by means of any Water or Gas Light Company, or Commissioners of Sewers, or of any Repairs or other Works executed and performed or intended to be executed and performed by their Officers or Servants, or by their Orders or Directions, or on their Account, in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act, by the taking up of the Pavement of such Streets or public Places, or any of them, or by opening the Ground beneath the Surface of such Streets or public Places, or by the Execution of the Works of any Water or Gas Light Company or otherwise, or which shall be in anywise consequent thereon or incidental thereto, in the Judgment of the Commissioners or Trustees or other Persons having the Control of the Pavements of the

(*a*) Now Borough Councils outside City of London, and Common Council within. See note (*a*), p. 1.

(*b*) See note (*a*) to ss. 11, 12, p. 2.

Streets and public Places in any such parochial or other District, (*a*) or any Three or more of them, shall be from Time to Time and at all Times collected and removed and carried away, by or at the Costs and Charges of such Company or Commissioners of Sewers, with all practicable Expedition, and to the Satisfaction of such Commissioners or Trustees or other Persons having the Control of the Pavements (*a*) in such parochial or other District, or any Three or more of them; and that such Company or Commissioners of Sewers shall especially so do whenever they shall be required so to do by any Notice from such Commissioners or Trustees or other Persons having the Control of the Pavements (*a*) in such parochial or other District, or any Three of them, or from any Surveyor of the Pavements appointed by them, signed by them or him, and given to such Company or Commissioners of Sewers, or left for them at the Dwelling House or Place of Abode of any Secretary or Clerk or Turncock employed by such Company or Commissioners of Sewers, or at any Office or Counting House of such Company, or of any Clerk or Secretary to any such Commissioners of Sewers; and that in case any such Company or Commissioners of Sewers shall neglect to collect, carry away, and remove, or cause to be collected, carried away, and removed, from all and every such Streets and public Places, all such Dirt, Gravel, Filth, Rubbish, and other Things whatsoever, within Twenty-four Hours after any such Notice shall be from Time to Time given or left as aforesaid, to the Satisfaction of such Commissioners or Trustees, or other Persons (*a*) by whom any such Notice shall be signed, then the said Company or Commissioners of Sewers shall for every such Neglect and Offence forfeit and shall pay the Sum of Five Pounds, to be recovered and applied in the same Manner in which other Penalties and Forfeitures are herein-after directed to be recovered and applied by virtue of this Act.

57 Geo. 3, Cap. 29.

[XIX. Bars, Watchmen, and other Securities are to be provided during Repairs of Pavements, to prevent Accidents. See now City of London Sewers Act, 1848, ss. 136, 138, pp. 94, 95, and Metropolis Management Act, 1855, ss. 110, 111, pp. 117, 118.] (*b*)

XX. In case at any Time or Times hereafter any pavement in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act shall, by the breaking or falling-in or Decay of any Sewer or Drain, Cesspool or Watercourse, or any Pipe or Pipes,

Breaches in the Pavement may be inclosed.

(*a*) Now Borough Councils outside City of London, and Common Council within. See note (*a*), p. 1.

(*b*) See note (*a*) to ss. 11, 12, p. 2.

57 Geo. 3, Cap. 29.

Stopcock, Plug, or other Thing, become broken or irregular so as to be dangerous or hazardous to Passengers or Carriages, it shall and may be lawful to and for any Surveyor of the Pavements for any such parochial or other District to cause and direct such Part of the Pavements of any Streets or public Places as he shall deem so dangerous or hazardous to be forthwith inclosed, in such Manner, by such Persons, and with such Materials as he may direct, and as may be needful to prevent such Danger and Hazard to Passengers or Carriages; and that the Costs and Charges incurred thereabouts shall be ascertained and determined by him, and shall be paid and discharged by the Commissioners of Sewers, Water or Gas Company, or other Person or Persons to whom the Sewer or Drain, Cesspool or Watercourse, Pipe or Pipes, Stopcock, Plug, or other Thing so broken, fallen in, or decayed, and by the Breach, Falling-in, or Decay whereof such Breach or Irregularity of the Pavements as aforesaid may have been occasioned, and shall and may be certified to them or him, and be paid by them or him within the Time, and shall and may be recovered from them or him in such and the same Manner as is by this Act directed, limited, and authorized as to any Monies to become due from any Persons whomsoever for the Costs and Charges of repairing or paving or repaving any Pavements of any Streets or public Places by the Commissioners or Trustees or other Person having the Control of the Pavements (*a*) in any Streets or public Places in any parochial or other District within the Jurisdiction of this Act.

Stand Cocks placed during Frosts regulated.

XXI. No Water Company whose Mains or Pipes shall be laid beneath the Surface of any Street or public Place in any parochial or other District within the Jurisdiction of this Act, shall place or set up, or cause to be placed or set up, any Stand Cock or Pump, or other Instrument, Machine, or Thing, for the Supply of Water in Times of Frost or otherwise, in any public Street or Place within the Jurisdiction of this Act, which shall be furnished with any other than a Metal Cock and Spout, to be to the Satisfaction of the Surveyor of the Pavements for such parochial or other District for the Time being; and that any Water Company who shall set up or cause to be set up any other Stand Cock, Pump, or other Instrument, Machine, or Thing, furnished with any other than a Metal Cock and Spout, in any Street or public Place, and which shall not be to the Satisfaction of the Surveyor of the

(*a*) Now Borough Councils outside City of London, and Common Council within. See note (*a*), p. 1.

Pavements for such parochial or other District, shall forfeit and shall pay for every such Offence the Sum of Twenty Shillings, to be recovered in the same Manner in which other Penalties and Forfeitures are herein-after directed to be recovered by virtue of this Act. 57 Geo. 3, Cap. 29.

Works neglected by Companies, &c. may be executed by Surveyors of Pavements.

XXII. In case any Water or Gas Light Company or Commissioners of Sewers, at any Time or Times after the passing of this Act, shall neglect to take up the Pavement in any Street or public Place in any parochial or other District within the Jurisdiction of this Act; or to open any Ground beneath the Surface of such Street or public Place; or substantially to repair, alter, amend, or renew any Pipe, Plug, Stopcock, or other Thing, or any public Sewer, as the Case may be; or to give the Notices required by this Act to any other Company, or to any Paviors, Surveyors of Pavements, or other Persons; or to remove or take away any Pipes or other Materials or Things from any Street or public Place; or to collect and carry away or remove all Dirt, Gravel, Filth, Rubbish, and other Things, from any Street or public Place; or to place and continue Posts, Rails, Bars, or Ropes, Lanthorns and Watchmen, in any Street or public Place; or to do and execute all and every such Works and Things, and all or any other Works and Things directed and required by this Act to be done and executed by any such Company or Commissioners of Sewers, and pursuant to any Notice given or left as herein directed by any Commissioners or Trustees, or other Persons having the Control of the Pavements (*a*) in the Streets or public Places within any parochial or other District within the Jurisdiction of this Act, or by the Surveyors of Pavements, or other Officers or Persons appointed by them or otherwise, and to their respective Satisfaction, and within the several Times and Periods specified and directed by this Act; then and in every or any of such Cases, and at all Times afterwards, it shall and may be lawful to and for any Surveyor of the Pavement of the parochial or other District wherein the Street or public Place shall be situate as to which any such Neglect shall occur, and all and every such Surveyors are hereby empowered and required, forthwith to cause all and every such several Works, Matters, and Things which shall not be executed and performed by every such Company or Commissioners of Sewers, or which shall not be well, substantially, and effectually executed and performed to his or their Satisfaction, or to the Satisfaction of the Commissioners or Trustees, or other

(*a*) Now Borough Councils outside City of London, and Common Council within. See note (*a*), p. 1.

57 Geo. 3, Cap. 29.

Persons (*a*) by whom he or they shall be appointed, within the Times and Periods limited by this Act to be well and effectually performed to his or their Satisfaction, or to the Satisfaction of such Commissioners or Trustees, or other Persons (*a*) as aforesaid, as herein provided, at the Costs and Charges of such Company or Commissioners of Sewers who shall have so neglected well, substantially, and effectually to perform and execute the same, and every of them, and every Part thereof; and that such Costs and Charges and every of them shall be reimbursed and paid by any and every such Company or Commissioners of Sewers to such Surveyor or Surveyors of Pavements, or to the Person or Persons employed by him or them to perform and execute any or every of such Works, or to the Commissioners or Trustees, or other Persons having the Control of the Pavements (*a*) of the parochial or other District within which such Works shall be performed and executed, or to their Treasurer, or to such other Person or Persons as such Commissioners or Trustees or other Persons (*a*) shall from Time to Time appoint to receive the same; and that the Amount of such Costs and Charges, and of the Monies so to be paid, being directed by the said Commissioners or Trustees or other Persons (*a*), shall be ascertained and notified, and certified and recovered, (over and above all and every the Penalties and Forfeitures which may be incurred for any such Neglect by virtue of this Act) in the same Manner in which any Costs and Charges which may be incurred, and any Monies which may become due, for and about and in respect of the relaying or repairing of any Pavements hereafter broken or taken up in any Streets or public Places by or by the Direction or on account of any Company, Commissioners of Sewers, or other Persons. are to be ascertained and notified and certified, and may be recovered by virtue of this Act.

[XXIII. Pavements taken up by Companies, &c., to be relaid by Commissioners of Pavements; and the Charges repaid to them by such Companies. See now City of London Sewers Act, 1848, s. 137, pp. 94, 95, Metropolis Management Act, 1855, s. 114, p. 120, and Metropolis Management Amendment Act, 1862, s. 82, pp. 164, 165.] (*b*)

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[LII. Commissioners, &c. may pave Streets within their Districts, * * * and may raise or lower Pipes. See now (so far as relates to pipes) City of London Sewers Act, 1848, ss. 5, 120, pp. 90. 93, and Metropolis Management Act, 1855, ss. 90, 98, pp. 115, 116.] (*b*)

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(*a*) Now Borough Councils outside City of London, and Common Council within. See note (*a*), p. 1.

(*b*) See note (*a*) to ss. 11, 12, p. 2.

3 & 4 Will. 4, Cap. 90.

LIGHTING AND WATCHING ACT, 1833.

3 & 4 Will. 4, Cap. 90. An Act to repeal an Act of the Eleventh Year of His late Majesty King George the Fourth, for the lighting and watching of Parishes in *England* and *Wales*, and to make other Provisions in lieu thereof. (*a*)

[28th August 1833.]

[Preamble repealed by Statute Law Revision (No. 2) Act, 1888.]

[I.-III. repealed by Statute Law Revision Act, 1874.]

IV. * * * (*b*) This Act, and the several Provisions thereof, shall apply to and may be adopted, under and subject to the Regulations herein contained, by all or any or either of the Parishes in England and Wales.

Act applicable to all Parishes.

[V.-XVII. Provisions as to adoption of Act and mode of electing Inspectors.]

* * *

[* * * III. * * * IV. Powers as to raising of the rate for purposes of Act.]

* * *

XLV. (*c*) It shall be lawful for the said Inspectors, and they are hereby empowered, from Time to Time to cause such Lamp Irons or Lamp Posts or other Posts to be put or fixed upon or against the Walls or Palisades of any Houses, Tenements, Buildings, or Inclosures, (doing as little Damage as may be practicable thereto,) or to be put up and erected in such other Manner, within all or any of the said Roads, Streets, and Places within the Limits of this Act, as they shall think proper; and also to cause

Lamp Irons to be put up.

(*a*) Short Title, "The Lighting and Watching Act, 1833." See Short Titles Act, 1896, s. 1.

This Act is subject, in its application, to parochial adoption (now by Parish Meeting), in accordance with ss. 5-16 and 71-73 thereof and with s. 7 (1) of the Local Government Act, 1894, p. 426. The Act is, however, superseded by the Public Health Act, 1875, in districts in which that Act applies. See ss. 163 and 276 thereof, p. 273. For extension of the power or duty to light roads in a district to the lighting of any main road in such district, see Local Government Act, 1888, s. 11. (11.), p. 361.

(*b*) Words omitted repealed by Statute Law Revision Act, 1890.

(*c*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

3 & 4 Will. 4, Cap. 90.

such Number of Lamps, of such Sizes and Sorts, to be provided and affixed and put upon such Lamp Irons and Lamp Posts, as they shall think necessary for lighting all or any of such Roads, Streets, and Places, and cause the same to be lighted with Gas, Oil, or otherwise, for such Number of Hours in every Twenty-four Hours as they shall think necessary; and also to cause such a Number of Watch-houses or Watch-boxes to be provided, erected, or affixed as they shall think necessary for watching all or any of the Streets, Roads, and Places within the Limits of this Act.

Gas Pipes not to be laid on private Premises without Consent.

XLVI. Provided (always, (*a*) That nothing herein contained shall extend or be construed to extend to authorize or empower the said Inspectors, or any Body or Bodies Politic or Corporate, or Person or Persons contracting with the said Inspectors for lighting with Gas such Roads, Streets, and Public Places, to carry or lay any Pipe or Pipes, Cocks or Branches from any Mains or Pipes, against, into, or through any Dwelling House or Dwelling Houses, Manufactories, public or private Buildings, or to continue the same, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers for the Time being of such Dwelling House or Dwelling Houses, Manufactories, public or private Buildings respectively, nor to enable any Body or Bodies Politic or Corporate, or Person or Persons contracting with the said Inspectors for lighting such Streets and public Places, to enter into or upon any private Lands or Grounds, without the Consent in Writing of the Owner or Owners, Occupier or Occupiers of such Lands or Grounds for that Purpose first had and obtained.

Owners of private Grounds may alter Position of Pipes.

XLVII. Provided also, (*a*) That in case the Soil, Pitching, or Pavement of any Road or Way, for the Purpose of laying any Gas Main or Gas Pipe along, under, or across the same, be broken up with the Consent of the Owner or Owners of the Soil for the Time being, and after the same shall have been so laid and placed such Owner or Owners shall be desirous of having the same removed, it shall be lawful for such Owner or Owners at any Time or Times thereafter, if he, she, or they shall deem it necessary or expedient, at his, her, or their own Costs and Charges, to alter and vary the Position of such Pipe or Pipes, Main or Mains, and to relay the same, so that no Damage be done thereby to the said Body or Bodies Politic or Corporate or Person or Persons contracting with the said Inspectors,

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

and so that such Body or Bodies Politic or Corporate or Person or Persons contracting with the said Inspectors as aforesaid be not thereby prevented from or obstructed in lighting any public or private Lamp, unless such Damage or Obstruction be unavoidable. 3 & 4 Will. 4, cap. 90.

XLVIII. (*a*) Whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by Order of the said Inspectors, in pursuance of this Act, the Body or Bodies Politic or Corporate, or Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any Houses, Manufactory, Building, or other Premises within the Limits of any Parish adopting the Provisions of this Act, shall at their own Expense, immediately after receiving Notice by Parol or in Writing from any Person or Persons whatsoever, to be given or left at their Office or usual Place of transacting their Business, of any such Escape of Gas, cause the most speedy and effectual Measures to be taken to stop or prevent such Gas from escaping; and in case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall not, within Twenty-four Hours next after such Notice by Parol or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds for each and every Day, after the Expiration of Twenty-four Hours from the Time of giving any such Notice, during which the Gas shall be suffered to escape as aforesaid; which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath or Affirmation of One or more credible Witness or Witnesses before any Two Justices of the Peace, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of any such Body or Bodies Politic or Corporate, or Person or Persons as aforesaid, by the Warrant of any Two Justices of the Peace as aforesaid, to be granted in like Manner and subject to the like Provisions as are herein directed touching other Penalties to be recovered by virtue of this Act. For stopping the Escape of Gas. Penalty for Neglect.

XLIX. (*a*) It shall be lawful for the Body or Bodies Politic or Corporate, or other Person or Persons whosoever, making, furnishing, or supplying any Gas used or burnt Power to convey away Washings of Gas Works.

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

3 & 4 Will. 4, Cap. 90.

for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish adopting the Provisions of this Act, to lay Iron Pipes, of such Breadth, Depth, and Dimensions, and in such Manner as they shall think expedient, under the Roads, Streets, and other public Places within the Limits of this Act, for the Purpose of carrying off the Washings or other waste Liquids which may arise in the Prosecution of the Works aforesaid, the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, doing as little Damage as may be in laying the said Pipes, and immediately repairing, at their own Expense, all such Damage; provided that no such Washings or other waste Liquids, or any other Matter or Thing made or arising in the Manufacture of such Gas, shall be conducted or conveyed into any River, Brook, Canal, or running Stream; and that no such Pipe shall be laid in any Situation where the same can, shall, or may in any Manner interfere with, prejudice, or affect any of the present or future public or private Wells, Sewers, or Drains within the Limits of the Parish adopting the Provisions of this Act, or without the Consent of the said Inspectors.

Penalty for conveying Washings into any River, &c.

L. (*a*) If any Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any other Person or Persons whatsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish adopting the Provisions of this Act, shall at any Time empty, drain, or convey, or cause or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever which shall arise or be made in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any River, Brook, or running Stream, Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond or Springhead, or Well, or into any Drain, Sewer, or Ditch communicating with any of them, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any of them, whereby the Water contained therein, or any Part thereof, shall or may be spoiled, fouled, or corrupted, then and in every such Case any such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, so offending as aforesaid, shall forfeit and pay for every such Offence the

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Law, by regular or summary Action * * * (*a*), or Information, * * * (*a*); and the whole of such Penalty shall be paid to the Person or Persons who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Six Calendar Months from after the Time when such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall or shall not have been sued for or recovered, in case any of the said Washings or other waste Liquid, or noisome or Offensive Liquid, Substances, or Things, shall be emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Canal, Aqueduct, Waterway, Feeder, Pond or Springhead, or Well, or into any Drain, Sewer, or Ditch, communicating with any of them, or any such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person or Persons to whom the same shall belong, or by any other Person or Persons whomsoever, to the said Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or any of them, or other the Person or Persons making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within any Parish or Part of a Parish adopting the Provisions of this Act, so offending, or to his, her, or their Clerk or Clerks, or to any Person in his or their Service or Employ, and such Body or Bodies Politic or Corporate, Company or Companies of Proprietors, or other Person or Persons, shall not within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop and hinder or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things, from being emptied, drained, conducted, or conveyed, or from running or flowing, in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Body or Bodies Politic or

3 & 4 Will. 4, Cap. 90.

(*a*) Words above omitted repealed by Statute Law Revision Act, 1890.

3 & 4 Will. 4, Cap. 90.

Corporate, Company or Companies of Proprietors, or other Person or Persons so offending, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so emptied, drained, conducted, or conveyed, or caused or suffered to run or flow, in manner aforesaid, or such other Annoyance, Nuisance, Injury or Damage, Act or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Informer, or to the Person or Persons who, in the Judgment of the Justice before whom the Conviction shall take place, shall have sustained any Annoyance, Injury, or Damage by any such Act so done or committed.

Gas Pipes to be laid Four Feet from Water Pipes and in a particular Manner.

LI. (*a*) All and every the Pipes or other Conduits to be used or laid for the Conveyance of Gas, in, under, through, along, across, or round any Road, Street, or other Place within the Limits of any Parish adopting the Provisions of this Act, shall be so laid at the greatest practical Distance, and whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid down or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of the said Roads, Streets, or other Places within the Limits of any Parish adopting the Provisions of this Act, excepting in Cases where it shall be unavoidably necessary to lay the Gas Pipes across any of the said Water Pipes, in which Cases the said Gas Pipes shall be laid over and above the said Water Pipes, at the greatest practical Distance therefrom, and shall form therewith a Right Angle, and in such Cases the said Gas Pipes so crossing the said Water Pipes shall be at least Nine Feet in Length so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Four Feet at least; and in laying down the said Gas Pipes the said Contractors or other Persons supplying Gas shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

Materials, and shall also make and keep all and every such Pipes, and all Pipes connected and communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and every respect prevent the said Gas from escaping therefrom, upon pain of forfeiting for every Offence the Sum of Five Pounds. 3 & 4 Will. 4, Cap. 90.

To prevent Escape of Gas and Contamination of Water.

LII. (*a*) Whenever the Water of any Company of Proprietors for supplying the Inhabitants of any Houses within the Limits of any Parish, Part of a Parish, or Place adopting the Provisions of this Act, with Water shall be contaminated by any of the Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish, Part of a Parish, or Place, adopting the Provisions of this Act, the Body or Bodies Politic or Corporate, or Person or Persons making, furnishing, or supplying such Gas, shall forfeit and pay the Sum of Twenty Pounds, to be sued for and recovered and shall be applied to and for the Use and Benefit of the said Company supplying Water as aforesaid; and in case any such Water shall be contaminated or affected by Gas in any way whatsoever, then and in every such Case the said Company or other Persons making, furnishing, or supplying such Gas shall, within Twenty-four Hours next after the Notice thereof in Writing, signed by the Treasurer or other Officer of and for such Water Company as aforesaid, or by any Person making use of such Water, to be left at the usual Place or Office of transacting Business of the said Body or Bodies Politic or Corporate, or other Person or Persons, cause the most proper and effectual Measures to be taken to stop and prevent Gas from escaping from their Mains, Works, or Pipes, or contaminating or affecting the Water of such Company as aforesaid; and in case the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying Gas, shall not, within Twenty-four Hours next after such Notice so left as aforesaid, effectually stop and prevent the Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, shall on each and every Complaint forfeit and pay to the Treasurer or other Officer for the Time being of such Water Company, as

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

3 & 4 Will. 4, Cap. 90.

aforesaid, for the Use and Benefit of the same Company, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water of the said last-mentioned Company shall be and remain contaminated or affected by such Gas; and in default of Payment thereof as aforesaid, such Penalty or Penalties shall and may be recovered by Information to be exhibited on the Oath of One credible Witness, by and in the Name of the Treasurer or other Officer for the Time being of the said Water Company as aforesaid, or by and in the Name of any one or more of the Directors of the said Company, at the Option of the Parties prosecuting such Information against the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying Gas, before any Two Justices of the Peace, with Costs, to be assessed by such Justices, and to be levied by Distress and Sale of the Goods and Chattels of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying such Gas, together with the Charges of such Distress and Sale, by Warrant under the Hand and Seal of such Justices, which Warrant such Justices are hereby empowered to grant; and such Penalty or Penalties, when so levied, shall be paid to the Treasurer or other Officer for the Time being of such Water Company, for the Use of such Water Company.

For ascertaining if the Water be contaminated.

LIII. (*a*) In any Case in which it shall be or become a Question upon such Complaint as aforesaid, whether the said Water be contaminated or affected by the Gas of the said Body or Bodies Politic or Corporate, or other Person or Persons, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of this Act, it shall be lawful for the Company of Proprietors, or other the Owners or Proprietors of any Waterworks, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by the Gas of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid; and if it shall appear that the said Water has been contaminated by any Escape of Gas as aforesaid, the Costs and Expenses of the said Digging, Search, and Examination, and of the Repair

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

of the Pavement of the Roads, Street or Streets which shall be taken up or disturbed, shall be borne and paid by the said Body or Bodies Politic or Corporate, or Person or Persons as aforesaid; which Costs and Expenses of Digging, Search, and Examination shall be ascertained and determined, if necessary, by such Justices as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas from any of the Mains, Pipes, or Conduits of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, then and in such Case the said Company of Proprietors, or other the Owners or Proprietors of such Waterworks, shall bear and pay all the Costs and Expenses of such Search, Examination, and Repair as aforesaid, and shall also make good to the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Body or Bodies Politic or Corporate, or other Person or Persons as aforesaid, in and by such Search and Examination, the Amount of such Injury, Loss, or Damage to be ascertained and determined by such Justices of the Peace as aforesaid. 3 & 4 Will. 4, Cap. 90.

LIV. Provided always, (*a*) That nothing in this Act contained shall extend or be construed to extend to prevent any Person from proceeding by Indictment or otherwise against any of the Officers, Servants, or Workmen of the Body or Bodies Politic or Corporate, or other Person or Persons whomsoever, making, furnishing, or supplying any Gas used or burnt for lighting any Highway, Street, or Place, or any House, Manufactory, Building, or other Premises, within the Limits of any Parish adopting the Provisions of this Act, in respect of any Works or other Means which shall be employed by them or any of them in making the said Gas, and using the same in furnishing with Lights as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Body or Bodies Politic or Corporate, Company of Proprietors, or Person or Persons as aforesaid, or any of their Officers, Servants, or Workmen, for any Injury sustained by reason of any such Works, or the Use of the said Gas, or the Method of lighting therewith, whether such Injury shall proceed from the Preparation or the Use of the same Gas, Persons supplying Gas liable to be indicted for a Nuisance.

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

3 & 4 Will. 4, Cap. 90.

or Method of lighting, or the Carelessness or Want of Skill of any of the Persons employed therein, or from any other Cause whatsoever.

Penalty for wilfully destroying or injuring Lamps.

LV. (*a*) If any Person shall wilfully break, throw down, spoil, or damage any Watch-house, Watch-box, or Lamp, Lamp Iron, Lamp Post, Pale, Rail, Chain, or other Furniture thereof, or wilfully extinguish the Light of any such Lamp, it shall be lawful for any Person or Persons who shall see the Offence committed to apprehend, and also for any other Person or Persons to assist in apprehending, the Offender or Offenders, and by the Authority of this Act, and without any Warrant, and to deliver him or them to any Constable, who is to keep him, her, or them in safe Custody, and with all reasonable Despatch to convey him, her, or them before any Justice of the Peace; any such Justice shall examine upon Oath any Witness or Witnesses who shall appear to be produced to give Evidence touching such Offence; and if the Party accused shall be convicted of any such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, he, she, or they shall forfeit any Sum not exceeding Forty Shillings for every Lamp, Lamp Iron, or Lamp Post so broken, thrown down, or damaged, and shall also make full Satisfaction for the Damage which shall have been done thereby, and not exceeding Five Pounds for any other such Offence as aforesaid, and shall also make full Satisfaction for the Damage which shall have been done thereby; and one moiety of such Forfeiture shall be paid to the Person or Persons apprehending such Offender, and the other Moiety shall be applied for the Purposes of this Act, and shall be levied and recovered in the same Manner as any Forfeiture is by this Act herein-before directed to be levied and recovered in the Case of any Person assaulting any Watchman or other Person in the Execution of his Duty.

How Persons accidentally breaking Lamps are to be dealt with.

LVI. (*a*) If any Person shall carelessly or accidentally break any of the said Lamps, Lamp Irons, or Lamp Posts, or do any other such Damage or Injury as herein-before is mentioned, and shall not, upon Demand, make Satisfaction to the said Inspectors for the Damage or Injury so done, it shall and may be lawful for any Justice of the Peace, upon any Complaint thereof made to him upon Oath, to summon the Party complained of, and upon hearing the Parties upon both Sides, or on the Nonappearance

(*a*) Introductory words repealed by Statute Law Revision (No. 2), Act, 1888.

of the Party complained of, to examine the Matter of Complaint and award such Sum of Money, by way of Satisfaction to the said Inspectors for such Damage, as such Justice shall think reasonable; and in case of Neglect or Refusal forthwith to pay such Money, then the same and all Expenses attending the Recovery thereof may be levied and recovered as any Forfeiture is by this Act hereinbefore directed to be levied and recovered in the Case of any Person assaulting any Watchman or other Person in the Execution of his Duty. 3 & 4 Will. 4, Cap. 90.

[LVII.-LIX. Powers of Inspectors as to contracts for works, and as to purchase or renting of ground or buildings, for purposes of Act.]

Property of Lamps, &c., vested in the Inspectors.

LX. (*a*) The Property of and in all Lamps, Lamp Irons, Lamp Posts, Watch-houses, Watchboxes, Posts, Chains, Pales, and Rails in, about, or belonging to the said Streets and Places within any Parish or Part of a Parish adopting the Provisions of this Act, or any of them, and of and in all the Iron, Timber, Stone, Bricks, and other Materials and Furniture and Things of, in, and belonging thereto, (except when the same shall be otherwise regulated by Contract with the said Inspectors,) shall be and the same are hereby vested in the said Inspectors, and may be sold and disposed of from Time to Time as they shall think proper; and the Money arising from such Sale or Sales shall be applied towards the Purposes of this Act; and the said Inspectors are hereby authorized and empowered to bring or cause to be brought any Action or Actions in such Name or Names and in Manner as herein is provided, or to prefer or order and direct the preferring of any Bill or Bills of Indictment, against any Person or Persons who shall steal, take, or carry away (as the Case may be) all or any Part of such Lamp Irons, Lamp Posts, Watch-houses, Watchboxes, Iron, Timber, and Stone, Bricks, Furniture, Posts, Chains, Pales, Rails, or other Materials and Things as aforesaid; and in all such Actions or Bills of Indictment it shall be and be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or such Bill or Bills of Indictment preferred, is or are the Property of the Inspectors, without particularly stating or specifying the Name or Names of all or any of the said Inspectors.

Inspectors of adjoining Parishes may unite.

LXI. (*a*) It shall be lawful for the Inspectors appointed by any Parish adopting the Provisions of this Act to unite

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

3 & 4 Will. 4, Cap. 90.

with the Inspectors of any adjoining Parish or Parishes, for the better carrying into effect the Purposes of this Act.

[LXII. Forms of Information and Conviction. Repealed by Summary Jurisdiction Act, 1884, s. 4.]

Recovery and Application of Penalties.

LXIII. (*a*) All Fines, Penalties, and Forfeitures inflicted or imposed by this Act, or by virtue of any Rule or Order made in pursuance hereof (the Mode of Recovery whereof is not herein otherwise provided for), may in case of Nonpayment thereof be recovered in a summary Way, by Order and Adjudication of any Two Justices of the Peace, on Complaint to them for that Purpose exhibited, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the Offender or respective Offenders, or Person or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; * * * all which Penalties, not herein directed to be otherwise applied, shall be paid to the said Inspectors or their Treasurer, to be applied for such Purposes of this Act as the said Inspectors shall order and direct, except in all such Cases where the Penalty or Forfeiture shall be incurred by the said Inspectors, and then the same shall be paid to the Informer; and * * * if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justices, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they have or hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expenses can be levied if a Warrant of Distress were issued, such Justices shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justices, and they are hereby required and empowered, by Warrant or Warrants under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction in the said County or Place in which the said Parish shall be situate, there to be kept, with or without hard Labour,

* * *

[Words omitted from s. 63, as indicated by asterisks, repealed by Summary Jurisdiction Act, 1884, s. 4.]

Inspectors exempted from personal Liability.

LXIV. Provided always, (*a*) That nothing herein contained shall be deemed, construed, or taken to extend to

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

render the said Inspectors personally, or any of their Goods and Chattels (other than such as may be invested in them in pursuance of this Act), liable to the Payment of any Sum or Sums of Money as or by way of Compensation or Satisfaction in the Cases in which such Compensation or Satisfaction is herein directed to be made by the said Inspectors. 3 & 4 Will. 4, Cap. 90.

[LXV. Inhabitants may be Witnesses. Repealed by Statute Law Revision Act, 1874.]

Appeal to the Quarter Sessions against Order of Inspectors, &c.

LXVI. Provided also, (*a*) That if any Person or Persons shall find himself, herself, or themselves aggrieved by any Order, Direction, or Appointment of the said Inspectors, or any Order or Conviction of One or more Justice or Justices of the Peace, it shall be lawful for such Person or Persons to appeal to any General or Quarterly Sessions of the Peace to be held in and for the County, City, Riding, Borough, Town, Shire, Division, Liberty, or Place in which the Parish shall be situate, within Four Calendar Months next after the Cause of Complaint shall have arisen, or if such Sessions shall be held before the Expiration of One Calendar Month, then such Appeal shall be made to the secondly succeeding Sessions, either of which Court of Sessions is hereby empowered to hear and finally determine the Matter of the said Appeal, and to make such Order therein as to them shall seem meet, which Order shall be final and conclusive to and upon all Parties; provided that the Person or Persons so appealing shall give or cause to be given at least Fourteen Days Notice in Writing of his, her, or their Intention of appealing as aforesaid, and of the Matter or Cause thereof, to the said Inspectors, or other the Respondent or Respondents, that within Five Days after such Notice shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the then next General Sessions or Quarter Sessions of the Peace, which shall first happen and to abide the Order of and pay such Costs as shall be awarded by the Justices at such Quarter Sessions or any Adjournment thereof; and such Justices, upon hearing and finally determining such Matter of Appeal, shall and may, according to their Discretion, award such Costs to the Party appealing or appealed against as they shall think proper; and their Determination in or concerning the Premises shall be conclusive and binding on all Parties to all Intents and Purposes whatsoever.

[LXVII. As to appeals against rates.]

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

3 & 4 Will. 4, Cap. 90.

[LXVIII. Plaintiff not to recover in any Action after Tender of sufficient Amends. Repealed by Statute Law Revision Act, 1894.]

[LXIX. Limitations of Actions. Repealed, and new enactment substituted therefor, by Public Authorities Protection Act, 1893, pp. 415, 416.]

[LXX. Proceedings not to be unlawful for want of form.]

[LXXI.-LXXIII. Provisions as to partial or joint adoption of Act.]

Surveyor of Commissioners of Sewers may enter into Gas Works, to see if there be any Escape of Gas, &c.

LXXIV. (*a*) It shall be lawful for any Surveyor or other Person or Persons acting by or under the Authority of Commissioners of Sewers, at any Time or Times in the Daytime, to enter into any Manufactory, Gasometer, Receiver, or other Building belonging to any Gas Company or Companies, or the said Inspectors, in order to inspect and examine if there be any Escape of Gas, or any Washings or other Waste Liquids, Substances, or other Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Manufacture or Process of making or procuring such Gas, into any public Sewer or Drain; and if such Surveyor or other Person or Persons acting by or under the Authority of Commissioners of Sewers shall at any such Time or Times be refused Admittance or Entrance into any such Manufactory, Gasometer, Receiver, or other Building, for the Purpose of making such Inspection and Examination as aforesaid, or on being admitted shall be obstructed in or prevented from making such Inspection and Examination as aforesaid, the said Gas Company or Companies, or the said Inspectors, so offending, shall forfeit and pay for every such Offence the Sum of Twenty Pounds.

[LXXV., LXXVI. Saving of rights of Commissioners of Sewers, &c.]

[LXXVII. Construction of Act.]

[LXXVIII. Public Act. Repealed by Statute Law Revision (No. 2) Act, 1888.]

(*a*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

MUNICIPAL CORPORATIONS (IRELAND) ACT, 1840.

3 & 4 Vict., Cap. 108. An Act for the Regulation of Municipal Corporations in Ireland. (*a*)

[10th August 1840.]

* * *

Council may order Parts of Borough not within Local Act as to lighting to be included in such Act.

CXXIII. * * * It shall be lawful for the Comcil of any Borough in any Part of which there is a Local Act for the lighting thereof to make an Order that any Part of such Borough, not being within the Provisions of any Local Act for the lighting thereof, shall, from and after a certain Day to be named in such Order, be taken to be within the Provisions of such Local Act or Acts for lighting any Part of such Borough, as the Council shall specify in such Order; and after such Day the Part named in such Order shall be within the Provisions of the Act or Acts so specified, so far as relates to lighting, or to any Rates authorized to be levied for the Purpose of lighting, as fully as if such Part had been originally named in such Act or Acts, any thing in such Act or Acts to the contrary notwithstanding: Provided always, that every Part named in such Order shall be lighted in the like Manner as those Parts which before the making of such Order were within the Provisions of such Local Act; and that the Rate to be raised for the Purpose of defraying the Expences of lighting any Part so named in such Order shall not exceed the average expence in the Pound of the lighting of the other Parts of such Borough.

Amount of Rate for lighting.

[Words omitted from s. 123 repealed by Statute Law Revision (No. 2) Act, 1890.]

Council may assume the Powers of Commissioners under 9 Geo. 4. c. 82. for lighting Streets of any Borough.

CXXIV. (*b*) The Council of any Borough named in the said Schedule (A.) shall have and exercise * * * (*c*) the Powers given to the Commissioners under the said Act made in the Ninth Year of the Reign of His Majesty King George the Fourth, intituled "An Act to make Provision for the lighting, cleansing, and watching of Cities, Towns

(*a*) Short Title, "The Municipal Corporations (Ireland) Act, 1840." See Short Titles Act, 1896, s. 1.

This Act is made subject to adaptation by Order in Council by Local Government (Ireland) Act, 1898, s. 105.

(*b*) Introductory words repealed by Statute Law Revision (No. 2) Act, 1888.

(*c*) Words omitted repealed by Statute Law Revision Act, 1892.

3 & 4 Vict., Cap. 108.

Corporate, or Market Towns in Ireland, in certain Cases" (*a*) so far as relates to the lighting of such Borough, or of any such Part thereof as shall not, by virtue of the Provisions herein-before contained, be placed within the Provisions of any Local Act for lighting the same (*b*), and the Powers and Duties vested in such Commissioners (if any) in regard to lighting shall thereupon cease and determine; but the Council shall and they are hereby authorized and required to levy Rates for the Purpose of lighting such Part of the Borough, not according to the Powers contained in the said Act of the Ninth Year of the Reign of His Majesty King George the Fourth, but according to the Provisions herein-after contained for levying and raising a Borough Rate: Provided always, that the Appeal given by the said Act to any Person who may think himself aggrieved by any Rate laid for the Purpose of lighting shall not be to the Council, but in like Manner as Appeals against the Borough Rate herein-after mentioned.

* * *

Interpretation Clause.

CCXV. (*c*) In the Construction of this Act the word "Borough" shall be construed to mean City, Borough, or Town Corporate named in One of the Schedules to this Act annexed, and where the Name of such Borough has belonged to a County of a City or County of a Town shall be construed to include in its Meaning County of a City or County of a Town; * * *

The following are the Boroughs named in Schedules above referred to, viz.:

(A.) Belfast, Clonmel, Cork, Drogheda, Dublin, Kilkenny, Limerick, Londonderry, Sligo, Waterford.

(B.) Ardee, Armagh, Athlone, Athy, Bandon, Boyle, Callan, Carlow, Carrickfergus, Cashel, Charleville, Cloghnakilty, Coleraine, Dingle, Dundalk, Dungannon, Ennis, Enniscorthy, Enniskillen, Fethard, Galway, Gorey, Kells, Kinsale, Longford, Maryborough, Monaghan, Naas, Navan, New Ross, Portarlington, Strabane, Tralee, Trim, Tuam, Wexford, Wicklow, Youghal.

(I.) Ardfert, Athenry, Baltinglass, Bangor, Belturbet, Carlingford, Castlemartyr, Cavan, Charlemont, Duleek, Hillsborough, Mistioge, Kilbeggan, Kildare, Killileagh, Kilmallock, Lifford, Newtownards, Middleton, Thomastown.

(*a*) Repealed by s. 110 (2) of Local Government (Ireland) Act, 1898, except so far as applied by any Act or enactment (p. 479.)

(*b*) For removal of this limitation by Order of Borough Council, see Local Government Board (Ireland) Act, 1872, s. 11, p. 254.

(*c*) Introductory words repealed by Statute Law Revision (No. 2.) Act, 1888.

8 Vict., Cap. 20.

RAILWAYS CLAUSES CONSOLIDATION ACT, 1845.

8 Vict., Cap. 20. An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways.

[8th May 1845.]

* * *

Operation of this Act confined to future Railways.

[I.] This Act shall apply to every Railway which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, form Part of such Act, and be construed together therewith as forming One Act.

* * *

Interpretations in this and the Special Act:

III. (Scotch Act, s. 3.) The following Words and Expressions, both in this and the Special Act, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include also the Singular Number:

Gender:

Words importing the Masculine Gender only shall include Females:

"the Company.":

The Expression "the Company" shall mean the Company or Party which shall be authorized by the Special Act to construct the Railway:

Short Title.

IV. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Railways Clauses Consolidation Act, 1845."

* * *

Alteration of Water and Gas Pipes, &c.

XVIII. (Scotch Act, s. 18.) It shall be lawful for the Company, for the Purpose of constructing the Rail-

8 Vict., Cap. 20.

way, to raise, sink, or otherwise alter the Position of any of the Watercourses, Water Pipes, or Gas Pipes belonging to any of the Houses adjoining or near to the Railway, and also the Mains and other Pipes laid down by any Company or Society who may furnish the Inhabitants of such Houses or Places with Water or Gas, and also to remove all other Obstructions to such Construction, so as the same respectively be done with as little Detriment and Inconvenience to such Company, Society, or Inhabitants as the Circumstances will admit, and be done under the Superintendence of the Company to which such Water Pipes or Gas Pipes belong, and of the several Commissioners or Trustees, or Persons having Control of the Pavements, Sewers, Roads, Streets, Highways, Lanes, and other public Passages and Places within the Parish or District where such Mains, Pipes, or Obstructions shall be situate, or of their Surveyor, if they or he think fit to attend, after receiving not less than Forty-eight Hours Notice for that Purpose.

Company not to disturb Pipes until they have laid down others.

XIX. (Scotch Act, s. 19.) Provided always, That it shall not be lawful for the Company to remove or displace any of the Mains or Pipes (other than private Service Pipes), Syphons, Plugs, or other Works belonging to any such Company or Society, or to do anything to impede the Passage of Water or Gas into or through such Mains or Pipes, until good and sufficient Mains or Pipes, Syphons, Plugs, and all other Works necessary or proper for continuing the Supply of Water or Gas as sufficiently as the same was supplied by the Mains or Pipes proposed to be removed or displaced, shall, at the Expense of the Company, have been first made and laid down in lieu thereof, and be ready for Use, in a Position as little varying from that of the Pipes or Mains proposed to be removed or displaced as may be consistent with the Construction of the Railway, and to the Satisfaction of the Surveyor or Engineer of such Water or Gas Company or Society, or, in case of Disagreement between such Surveyor or Engineer and the Company, as a Justice shall direct.

Pipes not to be laid contrary to any Act, and 18 Inches Surface Road to be retained.

XX. (Scotch Act, s. 20.) It shall not be lawful for the Company to lay down any such Pipes contrary to the Regulations of any Act of Parliament relating to such Water or Gas Company or Society, or to cause any Road to be lowered for the Purposes of the Railway, without leaving a Covering of not less than Eighteen Inches from the Surface of the Road over such Mains or Pipes.

8 Vict., Cap. 20.

Company to make good all Damage.

XXI. (Scotch Act, s. 21.) The Company shall make good all Damage done to the Property of the Water or Gas Company or Society, by the Disturbance thereof, and shall make full Compensation to all Parties for any Loss or Damage which they may sustain by reason of any Interference with the Mains, Pipes, or Works of such Water or Gas Company or Society, or with the private Service Pipes of any Person supplied by them with Water.

When Railway crosses Pipes, Company to make a Culvert.

XXII. (Scotch Act, s. 22.) If it shall be necessary to construct the Railway or any of the Works over any Mains or Pipes of any such Water or Gas Company or Society, the Company shall, at their own Expense, construct and maintain a good and sufficient Culvert over such Main or Pipe, so as to leave the same accessible for the Purpose of Repairs.

Penalty for obstructing Supply of Gas or Water.

XXIII. (Scotch Act, s. 23.) If by any such Operations as aforesaid the Company shall interrupt the Supply of any Water or Gas they shall forfeit Twenty Pounds for every Day that such Supply shall be so interrupted, and such Penalty shall be appropriated to the Benefit of the Poor of the Parish in which such Obstruction shall occur, in such Manner as the Overseers of the Poor of the Parish shall direct.

* * *

Publication of Penalties. (*a*)

CXLIII. (Scotch Act, s. 135.) (*a*) The Company shall publish the short Particulars of the Several Offences for which any Penalty is imposed by this or the Special Act, or by any Byelaw of the Company affecting other Persons than the Shareholders, Officers, or Servants of the Company, and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper and pasted thereon, and shall cause such Board to be hung up or affixed on some conspicuous Part of the principal Place of Business of the Company, and where any such Penalties are of local Application shall cause such Boards to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference; and such Particulars shall be renewed as often as the same or any Part thereof is

(*a*) ss. 143 and 144, and the corresponding ss. 135 and 136 of the Scotch Act, form part of those relating to the recovery of damages and penalties incorporated with the Gasworks and Waterworks Clauses Acts, 1847, by ss. 40 and 85 of those Acts respectively, pp. 49 and 81.

8 Vict., Cap. 20.

obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Recovery of Damages and Penalties.

[In the Scotch Act the words, "or any Act incorporated therewith," are inserted after the words "Special Act" in the fourth line of the above section.]

Penalty for defacing Boards used for such Publication. (*a*)

CXLIV. (Scotch Act, s. 136.) (*a*) If any Person pull down or injure any Board put up or affixed as required by this or the Special Act for the Purpose of publishing any Byelaw or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expenses attending the Restoration of such Board.

[In the Scotch Act the words "or any Act incorporated therewith," are inserted after the words "Special Act" in the third line of the above section.]

* * *

(*a*) ss. 143 and 144, and the corresponding ss. 135 and 136 of the Scotch Act, form part of those relating to the recovery of damages and penalties incorporated with the Gasworks and Waterworks Clauses Acts, 1847, by ss. 40 and 85 of those Acts respectively, pp. 49 and 81.

8 & 9 Vict., Cap. 33.

RAILWAYS CLAUSES CONSOLIDATION (SCOTLAND) ACT, 1845.

8 & 9 Vict., Cap. 33. An Act for consolidating in One Act certain Provisions usually inserted in Acts authorizing the making of Railways in Scotland.

[21st July 1845.]

Operation of the Act confined to future Railways.

[I.] The Provisions of this Act shall apply to every Railway in Scotland which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the Clauses and Provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, as well as the Clauses and Provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith, as forming One Act.

* * *

Short Title of the Act.

IV. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Railways Clauses Consolidation (Scotland) Act, 1845."

[For provisions of this Act corresponding to those of "The Railways Clauses Consolidation Act, 1845," included in this volume, see under that Act immediately preceding this.]

9 & 10 Vict., Cap. 74.

BATHS AND WASH-HOUSES ACT, 1846.

9 & 10 Vict., Cap. 74. An Act to encourage the Establishment of public Baths and Wash-houses. (*a*)
[26th August 1846.]

* * *

Power to Water and Gas Companies to supply Water and Gas to Baths, &c.

XXVIII. Any Commissioners of Waterworks, Trustees of Waterworks, Water Companies, Canal Companies, Gas Companies, and other Corporations, Bodies, and Persons having the Management of any Waterworks, Canals, Reservoirs, Wells, Springs, and Streams of Water, and Gas Works respectively, may in their Discretion grant and furnish Supplies of Water or Gas for such public Baths and Wash-houses and open Bathing Places either without Charge or on such other favourable Terms as they shall think fit.

* * *

(*a*) Short Title, "The Baths and Wash-houses Act, 1846." See Short Titles Act, 1896, s. 1.
The application of this Act is subject to its adoption in accordance with provisions contained therein.

BATHS AND WASH-HOUSES (IRELAND) ACT, 1846.

9 & 10 Vict., Cap. 87. An Act for promoting the voluntary Establishment in Boroughs and certain Cities and Towns in Ireland of public Baths and Wash-houses. (*a*) [26th August 1846.]

* * *

Power to Water and Gas Companies to supply Water and Gas to Baths, &c.

XIV. Any Commissioners of Waterworks, Trustees of Waterworks, Water Companies, Canal Companies, Gas Companies, and other Corporations, Bodies, and Persons having the Management of any Waterworks, Canals, Reservoirs, Wells, Springs, and Streams of Water, and Gas Works respectively, may, in their Discretion, grant and furnish Supplies of Water (*b*) for such public Baths and Wash-houses and open Bathing Places, either without Charge or on such other favourable Terms as they shall think fit.

* * *

(*a*) Short Title, "The Baths and Wash-houses (Ireland) Act, 1846." See Short Titles Act, 1896, s. 1.
The application of this Act is subject to its adoption in accordance with provisions contained therein.

(*b*) Power to supply Gas is not here included.

9 & 10 Vict., Cap. 90.

STILL LICENCES ACT, 1846.

9 & 10 Vict., Cap. 90. An Act to prevent the Use of Stills by unlicensed Persons. (*a*)

[26th August 1846.]

[Preamble, reciting 6 Geo. 4, c. 81, repealed by Statute Law Revision Act, 1891.]

An Excise Duty of 10s. to be paid by every Person taking out a Licence for keeping a Still or Retort.

[I.] * * * There shall be raised, levied, collected, and paid unto Her Majesty, * * * in and throughout the United Kingdom of *Great Britain* and *Ireland*, the Duty of Excise following; (that is to say,)

For every Excise Licence to be taken out by every Person, not being a licensed Distiller, Rectifier or Compounder of Spirits, or Vinegar Maker, who keeps or uses any Still or Retort, the Sum of Ten Shillings.

[Words omitted from s. 1, repealed by Statute Law Revision Act 1891.]

Licence to be renewed, and the Sum of 10s. to be paid annually.

II. (*b*) Every such Licence shall be renewed yearly, and the said Sum of Ten Shillings shall be yearly paid, by every Person keeping or using any Still or Retort, so long as any Still or Retort is kept or used as aforesaid; and every such Licence shall be in force until the Fifth Day of *July* in each Year, and shall then expire; and if any Person keeps or uses any Still or Retort without taking out such Licence as by this Act required, or without renewing the same as aforesaid, every Person so offending shall forfeit the Sum of Fifty Pounds; and all Provisions, Clauses, Matters, and Things contained in the said recited Act of the Sixth Year of King *George* the Fourth shall be applied to this Act, and to the several Provisions, Clauses, Matters, and Things in this Act contained, as fully and effectually as if the same had been repeated and re-enacted in the Body of this Act.

Duty to be under the Management of the Commissioners of Excise.

III. (*b*) The Duty by this Act imposed shall be under the Management of the Commissioners of Excise for the Time being, and shall be raised, levied, collected, re-

(*a*) Short Title, "The Still Licences Act, 1846." See Short Titles Act, 1896, s. 1.

(*b*) Introductory words repealed by Statute Law Revision Act, 1891

covered, paid over, and accounted for in such and the like Manner, and in or by any of the general or special Ways, Means, or Methods by which any other Duties of Excise are or may be raised, levied, collected, recovered, paid over, and accounted for; and all such Licences respectively shall be in such Form as the Commissioners of Excise direct, and shall be granted by the said Commissioners, or their Officers duly authorized to grant Licences under any Law or Laws of Excise. 9 & 10 Vict., Cap. 90.

Stills, &c. found in the Possession of unlicensed Persons to be forfeited.

IV. (*a*) Every Still, or Still Head, or Worm of a Still, shall be forfeited which is found in the Custody or Possession of any Person not being a Person known as a regular Maker of Stills, [and if in Scotland or Ireland being a Person licensed in that respect], and such Still, Still Head, or Worm being gauged or marked as there by Law required, and if in Ireland being accompanied by Permit on Removal thereof, and such Person not being a licensed Distiller, Rectifier or Compounder of Spirits, or Vinegar Maker, or a Person licensed to keep and use such Still under this Act: Provided always, that the Commissioners of Excise may permit the keeping and using of any Still or Stills for Experiments in Chemistry, under such Regulations as they think fit; provided also, that the Commissioners of Excise may permit the keeping and using of any Still or Stills by Persons carrying on Trade or otherwise, for the Manufacture of any Articles other than Spirits or Spirit Mixtures, upon every Person who has a Still giving Notice thereof to the nearest Officer of Excise, and conforming to such Regulations as the Commissioners of Excise think fit to direct before beginning to use any Still as last aforesaid.

Commissioners may permit the Use of Stills for Experiments, and by Traders or others for the Manufacture of Articles other than Spirits, &c., upon giving Notice.

[Words within brackets in s. 4 repealed by Statute Law Revision Act, 1875.]

(*a*) Introductory words repealed by Statute Law Revision Act, 1891.

10 Vict., Cap. 15.

GASWORKS CLAUSES ACT, 1847.

10 Vict., Cap. 15. An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Gasworks for supplying Towns with Gas. (*a*)

[23rd April 1847.]

[Preamble and introductory words to s. 1 repealed by Statute Law Revision Act, 1891.]

Extent of Act.

[I.] This Act shall extend only to such Gasworks as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith, and all the Clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, with the Clauses of every other Act which shall be incorporated therewith, form Part of such Act, and be construed therewith as forming One Act.

Interpretations in this Act:

And with respect to the Construction of this Act and any Act incorporated therewith, be it enacted as follows:

"Special Act:"

II. The Expression "the Special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the Construction of Gasworks, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed," used in this Act in reference to any Matter herein stated, shall be construed to refer to such Matter as the same shall be prescribed or provided for in the Special Act, and the Sentence in which such Word occurs shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the Special Act" had been used; and the Expression "the Lands" shall mean the

"prescribed:"

"the Lands:"

(*a*) Short Title, "The Gasworks Clauses Act, 1847." See s. 4. For incorporation of this Act with the Metropolis Gas Act, 1860, see that Act, s. 2, p. 140, and for discontinuance of application, to the Metropolis, of ss. 30-37 hereof, see note (*a*) to the introductory words preceding s. 30, p. 46.

Lands which shall by the Special Act be authorized to be taken or used for the Purposes thereof; and the Expression "the Undertaking" shall mean the Gasworks and the Works connected therewith by the Special Act authorized to be constructed; and the Expression "the Undertakers" shall mean the Persons by the Special Act authorized to construct the Gasworks. 10 Vict., Cap. 15. "the Undertaking:" "the Undertakers."

III. The following Words and Expressions, in both this and the Special Act, and any Act incorporated therewith, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretations in this and the Special Act:

Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number: Number:

Words importing the Masculine Gender shall include Females: Gender:

The Word "Person" shall include Corporation, whether aggregate or sole: "Person:"

The Word "Lands" shall include Messuages, Lands, Tenements and Hereditaments or Heritages of any Tenure: "Lands:"

The Word "Street" shall include any Square, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of the Special Act: "Street:"

The Expression "the Gasworks" shall mean the Gasworks and the Works connected therewith by the Special Act authorized to be constructed: "the Gasworks:"

The Expression "Gas Rate" shall include any Rent, Reward, or Payment to be made to the Undertakers for a Supply of Gas: "Gas Rate:"

The Word "Month" shall mean Calendar Month: "Month:"

The Expression "Superior Courts," where the Matter submitted to the Cognizance of the Superior Courts arises in England or Ireland, shall mean Her Majesty's Superior Courts of Record at Westminster or Dublin, as the Case may require, * * * (*a*) and where such Matter arises in Scotland it shall mean the Court of Session: "Superior Courts:"

The Word "Oath" shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Persons allowed by Law to make a Declaration instead of taking an Oath: "Oath:"

(*a*) Words omitted repealed by Statute Law Revision Act, 1891.

10 Vict., Cap. 15.

"County:" The Word "County" shall include Riding or other Division of a County having a separate Commission of the Peace, and in Scotland * * * (*a*) any * * * (*b*) Division of a County * * * (*a*) having a separate Sheriff; and it shall also include County of a City or County of a Town:

"Justice:" The Word "Justice" shall mean Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises; and where any Matter shall be authorized or required to be done by Two Justices, the Expression, "Two Justices" shall be understood to mean Two or more Justices met and acting together:

"Two Justices:"

"Sheriff:" The Word "Sheriff" shall mean the Sheriff Depute of the County * * * (*b*) in Scotland, * * * (*a*) in which the Matter submitted to the Cognizance of the Sheriff arises, and shall include the Substitutes of such Sheriff Depute * * * (*a*).

"Quarter Sessions." The Expression "Quarter Sessions" shall mean Quarter Sessions as defined in the Special Act; and if such Expression be not there defined it shall mean the Court of General or Quarter Sessions of the Peace which shall be held at the Place nearest to the Gasworks, or the principal Office thereof, for the County or Place in which the Gasworks are situate, or for some Division of such County having a separate Commission of the Peace.

Citing the Act.

And with respect to citing this Act or any Part thereof, be it enacted as follows:

Short Title of the Act.

IV. In citing this Act in other Acts of Parliament and in legal Instruments it shall be enough to use the Expression "The Gasworks Clauses Act, 1847."

Form in which Portions of this Act may be incorporated in other Acts.

V. For the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act, with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act; and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates.

(*a*) (*b*) Words omitted repealed by Statute Law Revision Acts, viz.: (*a*) 1891, (*b*) 1893.

And with respect to the breaking up of Streets for the Purpose of laying Pipes, be it enacted as follows: 10 Vict., Cap. 15.

Laying of Pipes.

Power to break up Streets, &c., under Superintendence, and to open Drains.

VI. The Undertakers, under such Superintendence as is hereinafter specified, may open and break up the Soil and Pavement of the several Streets and Bridges within the Limits of the Special Act, and may open and break up any Sewers, Drains, or Tunnels within or under such Streets and Bridges, and lay down and place within the same Limits Pipes, Conduits, Service Pipes, and other Works, and from Time to Time repair, alter, or remove the same, and also make any Sewers that may be necessary for carrying off the Washings and waste Liquids which may arise in the making of the Gas, and for the Purposes aforesaid may remove and use all Earth and Materials in and under such Streets and Bridges, and they may in such Streets erect any Pillars, Lamps, and other Works, and do all other Acts which the Undertakers shall from Time to Time deem necessary for supplying Gas to the Inhabitants of the District included within the said Limits, doing as little Damage as may be in the Execution of the Powers hereby or by the Special Act granted, and making Compensation for any Damage which may be done in the Execution of such Powers.

Not to enter on private Land without Consent.

VII. Provided always, That nothing herein shall authorize or empower the Undertakers to lay down or place any Pipe or other Works into, through, or against any Building, or in any Land, not dedicated to public Use, without the Consent of the Owners and Occupiers thereof; except that the Undertakers may at any Time enter upon and lay or place any new Pipe in the Place of an existing Pipe in any Land wherein any Pipe hath been already lawfully laid down or placed in pursuance of this or the Special Act or any other Act of Parliament, and may repair or alter any Pipe so laid down.

Notice to be served on Persons having Control, &c. before breaking up Streets or opening Drains.

VIII. Before the Undertakers proceed to open or break up any Street, Bridge, Sewer, Drain, or Tunnel, they shall give to the Persons under whose Control or Management the same may be, or to their Clerk, Surveyor, or other Officer, Notice in Writing of their Intention to open or break up the same, not less than Three clear Days before beginning such Work, except in Cases of Emergency arising from Defects in any of the Pipes or other Works, and then so soon as is possible after the beginning of the Work, or the Necessity for the same shall have arisen.

Streets or Drains not

IX. No such Street, Bridge, Sewer, Drain, or Tunnel shall, except in the Cases of Emergency aforesaid, be

10 Vict., Cap. 15.

opened or broken up except under the Superintendence of the Persons having the Control or Management thereof, or of their Officer, and according to such Plan as shall be approved of by such Persons or their Officer, or in case of any Difference respecting such Plan, then according to such Plan as shall be determined by Two Justices; and such Justices may, on the Application of the Persons having the Control or Management of any such Sewer or Drain, or their Officer, require the Undertakers to make such temporary or other Works as they may think necessary for guarding against any Interruption of the Drainage during the Execution of any Works which interfere with any such Sewer or Drain: Provided always, that if the Persons having such Control or Management as aforesaid, and their Officer, fail to attend at the Time fixed for the Opening of any such Street, Bridge, Sewer, Drain, or Tunnel, after having had such Notice of the Undertakers Intention as aforesaid, or shall not propose any Plan for breaking up or opening the same, or shall refuse or neglect to superintend the Operation, the Undertakers may perform the Work specified in such Notice without the Superintendence of such Persons or their Officer.

to be broken up except under Superintendence of Persons having Control of the same.

If Persons having the Control, &c. fail to superintend, Undertakers may perform the Work without them.

Streets, &c. broken up to be reinstated without Delay.

X. When the Undertakers open or break up the Road or Pavement of any Street or Bridge, or any Sewer, Drain, or Tunnel, they shall with all convenient Speed complete the Work for which the same shall be broken up, and fill in the Ground, and reinstate and make good the Road or Pavement, or the Sewer, Drain, or Tunnel, so opened or broken up, and carry away the Rubbish occasioned thereby, and shall at all Times whilst any such Road or Pavement shall be so opened or broken up, cause the same to be fenced and guarded, and shall cause a Light sufficient for the warning of Passengers to be set up and maintained against or near such Road or Pavement where the same shall be open or broken up, every Night during which the same shall be continued open or broken up, and shall keep the Road or Pavement which has been so broken up in good Repair for Three Months after replacing and making good the same, and for such further Time, if any, not being more than Twelve Months in the whole, as the Soil so broken up shall continue to subside.

Penalty for Delay in reinstating Streets, &c.

XI. If the Undertakers open or break up any Street or Bridge, or any Sewer, Drain, or Tunnel, without giving such Notice as aforesaid, or in a Manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other Works as aforesaid when so required, except in the Cases

in which the Undertakers are hereby authorized to perform such Works without any Superintendence or Notice, or if the Undertakers make any Delay in completing any such Work, or in filling in the Ground, or reinstating and making good the Road or Pavement, or the Sewer, Drain, or Tunnel, so opened or broken up, or in carrying away the Rubbish occasioned thereby, or if they neglect to cause the Place where such Road or Pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the Road or Pavement in repair for the Space of Three Months next after the same is made good, or such further Time as aforesaid, they shall forfeit to the Persons having the Control or Management of the Street, Bridge, Sewer, Drain, or Tunnel, in respect of which such Default is made, a Sum not exceeding Five Pounds for every such Offence, and they shall forfeit an additional Sum of Five Pounds for each Day during which any such Delay as aforesaid shall continue after they shall have received Notice thereof.

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XII. If any such Delay or Omission as aforesaid take place, the Persons having the Control or Management of the Street, Bridge, Sewer, Drain, or Tunnel in respect of which such Delay or Omission shall take place, may cause the Work so delayed or omitted to be executed, and the Expense of executing the same shall be repaid to such Persons by the Undertakers; and such Expenses may be recovered in the same Manner as Damages are recoverable under this or the Special Act.

In case of Delay, other Parties may reinstate and recover the Expenses.

And with respect to the Supply of Gas, and the Recovery of the Rent to be paid for the same, be it enacted as follows:

Supply of Gas.

XIII. The Undertakers may from Time to Time enter into any Contract with any Person for lighting or supplying with Gas any public or private Building, or for providing any Person with Pipes, Burners, Meters, and Lamps, and for the Repair thereof; and may also from Time to Time enter into any Contract with the Commissioners, Trustees, or other Persons having the Control of the Streets within the Limits of the Special Act for lighting the same or any of them with Gas, and for providing such Commissioners, Trustees, or Persons with Lamps, Lamp Posts, Burners, and Pipes for such Purpose, and for the Repairs thereof, in such Manner and upon such Terms as shall be agreed upon between the Undertakers and the said Commissioners, Trustees, or other Persons.

Power of the Company to contract for lighting Streets, &c.

10 Vict., Cap. 15.

Power to Undertakers to let Meters.

XIV. (*a*) [The Undertakers may let for Hire any Meter for ascertaining the Quantity of Gas consumed or supplied, and any Fittings for the Gas, for such Remuneration in Money as shall be agreed upon between the Undertakers and any Person to whom the same may be so let, and such Remuneration shall be recoverable in the same Manner as the Rents or Sums due to the Undertakers for Gas, and such Meters and Fittings shall not be subject to Distress, or to the Landlord's Hypothec for Rent of the Premises where the same may be used, nor to be taken in execution under any Process of a Court of Law or Equity, or any Fiat or Sequestration in Bankruptcy against the Person in whose Possession the same may be.]

Meters not liable to Distraint for Rent, &c.

[As to limited repeal of s. 14, see note (*a*) at foot.]

Undertakers may enter Buildings for ascertaining Quantities of Gas consumed.

XV. (*a*) [The Clerk, Engineer, or other Officer duly appointed for the Purpose by the Undertakers may at all reasonable Times enter any Building or Place lighted with Gas supplied by the Undertakers, in order to inspect the Meters, Fittings, and Works for regulating the Supply of Gas, and for the Purpose of ascertaining the Quantity of Gas consumed or supplied; and if any Person hinder such Officer as aforesaid from entering and making such Inspection as aforesaid at any reasonable Time, he shall for every such Offence forfeit to the Undertakers a Sum not exceeding Five Pounds.]

[As to limited repeal of s. 15, see note (*a*) at foot.]

Recovery of Rents due for Gas.

XVI. If any Person supplied with Gas by virtue of this or the Special Act neglect to pay the Rent due for the same to the Undertakers, the Undertakers may stop the Gas from entering the Premises of such Person, by cutting off the Service Pipe, or by such Means as the Undertakers shall think fit, (*a*) [and recover the Rent due from such Person, if less than Twenty Pounds, together with the Expense of cutting off the Gas, and the Costs of recovering the Rent, in the same Manner as any Damages for the Recovery of which no special Provision is made are recoverable under this or the Special Act, or if the Rent so due amount to Twenty Pounds or upwards, the Undertakers may recover the same, together with the Expenses of cutting off the Gas, by Action in any Court of competent Jurisdiction.]

[As to limited repeal of portion within brackets of s. 16, see note (*a*) at foot.]

(*a*) ss. 14 and 15, the portion of s. 16 within brackets, and s. 17, repealed by Statute Law Revision Act, 1875, except so far as incorporated with Special Acts to which Gasworks Clauses Act, 1871, does not apply. For provisions under last-named Act, see ss. 18, 19, 21-23, 40, and 41 thereof, pp. 215-217, 221, 222.

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Power to take away Pipes, &c. when Supply of Gas discontinued.

XVII. (*a*) [In all Cases in which the Undertakers are authorized to cut off and take away the Supply of Gas from any House or Building or Premises, under the Provisions of this or the Special Act, the Undertakers, their Agents or Workmen, after giving Twenty-four Hours previous Notice to the Occupier, may enter into any such House, Building, or Premises, between the Hours of Nine in the Forenoon and Four in the Afternoon, and remove and carry away any Pipe, Meter, Fittings, or other Works the Property of the Undertakers.]

[As to limited repeal of s. 17, see note (*a*) at foot.]

Undue Use of Gas.

And with respect to Waste or Misuse of the Gas, or Injury to the Pipes and other Works, be it enacted as follows:

Penalty for fraudulently using the Gas of the Undertakers.

XVIII. Every Person who shall lay or cause to be laid any Pipe to communicate with any Pipe belonging to the Undertakers without their Consent, or shall fraudulently injure any such Meter as aforesaid, or who, in case the Gas supplied by the Undertakers is not ascertained by Meter, shall use any Burner other than such as has been provided or approved of by the Undertakers, or of larger Dimensions than he has contracted to pay for, or shall keep the Lights burning for a longer Time than he has contracted to pay for, or who shall otherwise improperly use or burn such Gas, or shall supply any other Person with any Part of the Gas supplied to him by the Undertakers, shall forfeit to the Undertakers the Sum of Five Pounds for every such Offence, and also the Sum of Forty Shillings for every Day such Pipe shall so remain, or such Works or Burner shall be so used, or such Excess be so committed or continued, or such Supply furnished; and the Undertakers may take off the Gas from the House and Premises of the Person so offending, notwithstanding any Contract which may have been previously entered into.

Penalty for wilfully damaging Pipes.

XIX. Every Person who shall wilfully remove, destroy, or damage any Pipe, Pillar, Post, Plug, Lamp, or other Work of the Undertakers for supplying Gas, or who shall wilfully extinguish any of the public Lamps or Lights, or waste or improperly use any of the Gas supplied by the Undertakers, shall for each such Offence forfeit to the Undertakers any Sum not exceeding Five Pounds, in addition to the Amount of the Damage done.

(*a*) ss. 14 and 15, the portion of s. 16 within brackets, and s. 17, repealed by Statute Law Revision Act, 1875, except so far as incorporated with Special Acts to which Gasworks Clauses Act, 1871, does not apply.

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Satisfaction for accidentally damaging Pipes.

XX. Every Person who shall carelessly or accidentally break, throw down, or damage any Pipe, Pillar, or Lamp belonging to the Undertakers, or under their Control, shall pay such Sum of Money by way of Satisfaction to the Undertakers for the Damage done, not exceeding Five Pounds, as any Two Justices or the Sheriff shall think reasonable.

Nuisance from Gas.

And with respect to the Provision for guarding against fouling Water, or other Nuisance from the Gas, be it enacted as follows:

Penalty on Undertakers for causing Water to be corrupted.

XXI. If the Undertakers shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, or Aqueduct, Pond or Place for Water, or into any Drain communicating therewith, any Washing or other Substance produced in making or supplying Gas, or shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, Pond or Place for Water shall be fouled, the Undertakers shall forfeit for every such Offence the Sum of Two hundred Pounds.

Penalty to be sued for in Superior Court within Six Months.

XXII. The said Penalty of Two hundred Pounds shall be recovered, with full Costs of Suit, in any of the Superior Courts, by the Person into whose Water such Washing or other Substance shall be conveyed or shall flow, or whose Water shall be fouled by any such Act as aforesaid; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it shall have ceased.

Daily Penalty during the Continuance of the Offence.

XXIII. In addition to the said Penalty of Two hundred Pounds (and whether such Penalty shall have been recovered or not) the Undertakers shall forfeit the Sum of Twenty Pounds (to be recovered in the like Manner) for each Day during which such Washing or other Substance shall be brought or shall flow as aforesaid, or the Act by which such Water shall be fouled shall continue after the Expiration of Twenty-four Hours from the Time when Notice of the Offence shall have been served on the Undertakers by the Person into whose Water such Washing or other Substance shall be brought or shall flow, or whose Water shall be fouled thereby, and such Penalty shall be paid to such last-mentioned Person.

Daily Penalty during Escape of Gas after Notice.

XXIV. Whenever any Gas shall escape from any Pipe laid down or set up by or belonging to the Undertakers, they shall, immediately after receiving Notice thereof in Writing, prevent such Gas from escaping; and in case the Undertakers shall not within Twenty-four Hours next

after Service of such Notice effectually prevent the Gas from escaping, and wholly remove the Cause of Complaint, they shall for every such Offence forfeit the Sum of Five Pounds for each Day during which the Gas shall be suffered to escape after the Expiration of Twenty-four Hours from the Service of such Notice.

Penalty if Water contaminated by Gas.

XXV. Whenever any Water within the Limits of the Special Act shall be fouled by the Gas of the Undertakers, they shall forfeit to the Person whose Water shall be so fouled for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for each Day during which the Offence shall continue after the Expiration of Twenty-four Hours from the Service of Notice of such Offence.

Power to examine Gas Pipes to ascertain Cause of Contamination, if Notice be given of the same.

XXVI. For the Purpose of ascertaining whether such Water be fouled by the Gas of the Undertakers the Person to whom the Water supposed to be fouled shall belong may dig up the Ground and examine the Pipes, Conduits, and Works of the Undertakers; provided that such Person, before proceeding so to dig and examine, shall give Twenty-four Hours Notice in Writing to the Undertakers of the Time at which such digging and Examination is intended to take place, and shall give the like Notice to the Persons having the Control or Management of the Road, Pavement, or Place where such digging is to take place; and they shall be subject to the like Obligation of reinstating the said Road and Pavement, and the same Penalties for Delay or any Nonfeasance or Misfeasance therein, as are herein-before provided with respect to Roads and Pavements broken up by the Undertakers for the Purpose of laying their Pipes.

Expenses to abide Result of Examination.

XXVII. If, upon any such Examination, it appear that such Water has been fouled by any Gas belonging to the Undertakers, the Expenses of the Digging, Examination, and Repair of the Street or Place disturbed in any such Examination shall be paid by the Undertakers; but if upon such Examination it appear that the Water has not been fouled by the Gas of the Undertakers, the Person causing such Examination to be made shall pay all such Expenses, and shall also make good to the Undertakers any Injury which may be occasioned to their Works by such Examination.

How Expenses to be ascertained.

XXVIII. The Amount of the Expences of every such Examination and Repair, and of any Injury done to the Undertakers, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the

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same, be ascertained and recovered in the same Manner as Damages for the ascertaining and Recovery whereof no special Provision is made are to be ascertained and recovered.

Nothing to exempt Undertakers from being indicted for a Nuisance.

XXIX. Nothing in this or the Special Act contained shall prevent the Undertakers from being liable to an Indictment for Nuisance, or to any other legal Proceeding to which they may be liable, in consequence of making or supplying Gas.

Profits of the Company. (*a*)

And with respect to the Amount of Profit to be received by the Undertakers when the Gasworks are carried on for their Benefit, be it enacted as follows: (*a*).

Profits of the Company limited.

XXX. The Profits of the Undertaking to be divided amongst the Undertakers in any Year shall not exceed the prescribed Rate, or where no Rate is prescribed they shall not exceed the Rate of Ten Pounds in the Hundred by the Year on the paid-up Capital in the Undertaking, which in such Case shall be deemed the prescribed Rate, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate.

If Profits exceed the Amount limited, Excess to be invested and form a Reserved Fund.

XXXI. If the clear Profits of the Undertaking in any Year amount to a larger Sum than is sufficient, after making up the Deficiency in the Dividends of any previous Year as aforesaid, to make a Dividend at the prescribed Rate, the Excess beyond the Sum necessary for such Purpose shall from Time to Time be invested in Government or other Securities; and the Dividends and Interest arising from such Securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest until the Fund so formed amounts to the prescribed Sum, or if no Sum be prescribed a Sum equal to One Tenth of the nominal Capital of the Undertakers, which Sum shall form a reserved Fund to answer any Deficiency which may at any Time happen in the Amount of divisible Profits, or to meet any extraordinary Claim or Demand which may at any Time arise against the Undertakers; and if such Fund be at any Time reduced, it may thereafter be again restored to the said Sum, and so from Time to Time as often as such Reduction shall happen.

(*a*) For discontinuance of application to the Metropolis of the provisions under this heading, see City of London Gas Act, 1868, s. 3, p. 187, and schedule, p. 191, South Metropolitan Gas Act, 1869, s. 4, p. 531, and schedule, p. 537, Commercial Gas Act, 1875, s. 3, p. 557.

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Reserved Fund not to be resorted to unless to meet an Extraordinary Claim.

XXXII. Provided always, That no Sum of Money shall be taken from the said Fund for the Purpose of meeting any extraordinary Claim, unless it be first certified in England or Ireland by Two Justices, and in Scotland by the Sheriff, that the Sum so proposed to be taken is required for the Purpose of meeting an extraordinary Claim within the Meaning of this or the Special Act.

When Fund amounts to prescribed Sum, Interest to be applied to Purposes of the Undertaking.

XXXIII. When such Fund shall, by Accumulation or otherwise, amount to the prescribed Sum, or One Tenth of the nominal Capital of the Company, as the Case may be, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the Undertaking to which the Profits thereof are applicable.

If Profits are less than the prescribed Rate, a Sum may be taken from the reserved Fund to supply Deficiency.

XXXIV. If in any Year the Profits of the Undertaking divisible amongst the Undertakers shall not amount to the prescribed Rate, such a Sum may be taken from the reserved Fund as, with the actual divisible Profits of such Year, will enable the Undertakers to make a Dividend of the Amount aforesaid, and so from Time to Time as often as the Occasion shall require.

If Profits are more than the Amount prescribed, a rateable Reduction to be made in the Price of Gas.

XXXV. In England or Ireland the Court of Quarter Sessions, and in Scotland the Sheriff, may on the Petition of any Two Gas Ratepayers within the Limits of the Special Act, nominate and appoint some Accountant or other competent Person, not being a Proprietor of any Gasworks, to examine and ascertain, at the Expense of the Undertakers (the Amount of such Expense to be determined by the said Court or Sheriff), the actual State and Condition of the Concerns of the Undertakers, and to make Report thereof to the said Court at the then present or some following Sessions or to the Sheriff; and the said Court or Sheriff may examine any Witnesses upon Oath touching the Truth of the said Accounts and the Matters therein referred to; and if it thereupon appear to the said Court or Sheriff that the Profits of the Undertakers for the preceding Year have exceeded the prescribed Rate, the Undertakers shall, in case the whole of the said reserved Fund has been and then remains invested as aforesaid, and in case Dividends to the Amount herein-before limited have been paid, make such a rateable Reduction in the Rate for Gas to be furnished by them as in the Judgment of the said Court or Sheriff shall be proper, but so as such Rates, when reduced, shall ensure to the Undertakers (regard being had to the Amount of Profit before received) a Profit as near as may be to the prescribed Rate.

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Court may order Petitioner to pay Costs of groundless Petition.

XXXVI. Provided always, That if, in the Case of any Petition so presented, it appear to the said Court or Sheriff that there was no sufficient Ground for presenting the same, the said Court or Sheriff may, if they or he think fit, order the Petitioner to pay the whole or any Part of the Costs of or incident to such Petition (the Amount thereof to be determined by the said Court or Sheriff), and the Costs so ordered to be paid shall be recoverable in the same Way as Damages are recoverable under this or the Special Act.

Penalty on Undertakers for refusing to produce Books, Vouchers, &c.

XXXVII. If the Undertakers shall, for Seven Days after being required to produce to the said Court or Sheriff, or to the said Accountant or other Person as aforesaid, any Books of Account or other Books, Bills, Receipts, Vouchers, or Papers relating to the pecuniary Affairs of the Undertakers, refuse or neglect to produce such Books, Bills, Receipts, Vouchers, or Papers, they shall forfeit the Sum of One hundred Pounds for every such Refusal or wilful Neglect, and the further Sum of Ten Pounds for every Day such Refusal or wilful Neglect shall continue after the Expiration of the said Seven Days, such respective Penalties to be recovered by any Person who will sue for the same, with full Costs of Suit, in any of the Superior Courts.

Annual Account to be made up by Undertakers, and sent to the Clerk of the Peace in England or Ireland, or to the Sheriff Clerk in Scotland, and to be open to Inspection.

XXXVIII. And with respect to the yearly Receipt and Expenditure of the Undertakers, be it enacted, That the Undertakers shall, in each Year after they have begun to supply Gas under the Provisions of this or the Special Act, cause an Account in abstract to be prepared of the total Receipts and Expenditure of all Rents or Funds levied under the Powers of this or the Special Act for the Year preceding, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Chairman of the Undertakers, and also by the Auditors thereof, if any; and a Copy of such annual Account, if the Gasworks be situated in England or Ireland, shall be transmitted, free of Charge, to the Clerk of the Peace for the County in which the Gasworks are situate, and if the Gasworks be situated in Scotland, such Copy shall be transmitted, free of Charge as aforesaid, to the Sheriff Clerk of such County, and such Transmission shall be made on or before the Thirty-first Day of January in each Year, under a Penalty of Twenty Pounds for each Default; and the Copy of such Account so sent to the said Clerk of the Peace or Sheriff Clerk shall be kept by him, and shall be

open to Inspection by all Persons at all seasonable Hours, on Payment of One Shilling for each Inspection. 10 Vict., Cap. 15.

[XXXIX. Tender of Amends. Repealed by Statute Law Revision Act, 1894.]

Recovery of Damages and Penalties.

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff, be it enacted as follows:

The Railways Clauses Consolidation Act, 1845, as to Damages, &c. to be incorporated with this and the special Act.

XL. If the Gasworks be in England or Ireland, the Clauses of the Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated with this and the Special Act; and if the Gasworks be in Scotland, the Clauses of the Railways Clauses Consolidation Act (Scotland), 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff or to Justices, shall be incorporated with this and the Special Act, and such Clauses shall apply to the Gasworks and to the Undertakers respectively, and shall be construed as if the Word "Undertakers" had been inserted therein instead of the Word "Company."

[XLI. As to payment of penalties in Ireland. Repealed by Statute Law Revision Act, 1875.]

All Things required to be done by Two Justices in England and Ireland may, in certain Cases, be done by One, and in Scotland by the Sheriff, &c.

XLII. All Things herein, or in the Special Act or any Act incorporated therewith, authorized or required to be done by Two Justices, may and shall be done in England and Ireland by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices, and in Scotland by the Sheriff * * * (*a*) of any County, * * * (*a*) * * * (*b*) or his Substitute.

Penalties, &c. imposed in respect of Offences committed within the Metropolitan Police District, to be paid to the Receiver, and applied under 2 & 3 Vict. c. 71.

XLIII. Every Penalty or Forfeiture imposed by this or the Special Act, or any Act incorporated therewith, or by any Byelaw in pursuance thereof, in respect of any Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables are

(*a*) (*b*) Words omitted repealed by Statute Law Revision Acts, viz.: (*a*) 1891, (*b*) 1894.

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directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled "An Act for regulating the Police Courts in the Metropolis;" and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms, as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined; and such Witnesses shall be entitled to the same Allowance of Expenses as they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

Persons giving false Evidence liable to Penalties of Perjury.

XLIV. Every Person who, upon any Examination upon Oath under the Provisions of this or the Special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Access to Special Act.

And with respect to Access to the Special Act, be it enacted as follows:

Copies of Special Act to be kept by Undertakers in their Office, and deposited with the Clerks of the Peace, &c., and be open to Inspection.

XLV. The Undertakers shall at all Times, after the Expiration of Six Months after the passing of the Special Act, keep in their principal Office of Business a Copy of the Special Act, printed by the Printers to Her Majesty, or some of them, and shall also, within the Space of such Six Months deposit in the Office of the Clerk of the Peace in England or Ireland, and of the Sheriff Clerk in Scotland, of the County in which the Undertaking is situated, a Copy of such Special Act, so printed as aforesaid; and the said Clerk of the Peace and Sheriff Clerk shall receive, and they and the Undertakers respectively shall keep, the said Copies of the Special Act, and shall permit all Persons interested to inspect the same, and make Extracts or Copies therefrom, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her present Majesty, intituled "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament." (*a*)

7 W. 4. & 1 Vict. c. 83.

(*a*) Short Title, "The Parliamentary Documents Deposit Act, 1837." See Short Titles Act, 1896, s. 1.

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XLVI. If the Undertakers fail to keep or deposit as herein-before mentioned any of the said Copies of the Special Act, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Penalty on Undertakers failing to keep or deposit such Copies.

XLVII. And be it enacted, That nothing in this Act contained shall be deemed to exempt the Undertakers from the Provisions of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled "An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein," (*a*) or from the Laws of Sewers for the Time being in force within Ten Miles from the Royal Exchange in the City of London.

Undertakers not exempt from the Provisions of 57 G. 3, c. xxix. (*a*) or from the Laws regulating Sewers.

XLVIII. (*b*) Nothing in this or the Special Act shall be deemed to extend to or affect any Act of Parliament relating to Her Majesty's Duties of Customs or Excise, or any other Revenue of the Crown, or to extend to or affect any Claim of Her Majesty in right of Her Crown or otherwise howsoever, or any Proceedings at Law or in Equity, by or on behalf of Her Majesty, in any Part of the United Kingdom of Great Britain and Ireland.

Nothing in this or the Special Act to affect the Rights of the Crown.

XLIX. (*b*) Nothing herein or in the Special Act contained shall be deemed to exempt the Undertakers from any General Act relating to Gasworks, or any Act for improving the sanitary Condition of Towns and populous Districts which may be passed in the same Session in which the Special Act is passed, or any future Session of Parliament.

Undertakers not exempted from Provisions of any future General Act.

[L. Act may be amended, &c. Repealed by Statute Law Revision Act, 1875.]

(*a*) For provisions of such Act as to laying of pipes, see "Metropolitan Paving Act, 1817," pp. 1-10.

(*b*) Introductory words omitted repealed by Statute Law Revision Act, 1891.

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WATERWORKS CLAUSES ACT, 1847.

10 Vict., Cap. 17. An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Waterworks for supplying Towns with Water. (*a*)

[23rd April 1847.

[Preamble and introductory words to s. 1 repealed by Statute Law Revision Act, 1891.]

Extent of Act.

[I.] This Act shall extend only to such Waterworks as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith, and all the Clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Undertaking authorized thereby, so far as the same shall be applicable to such Undertaking, and shall, with the Clauses of every other Act which shall be incorporated therewith, form Part of such Act, and be construed therewith as forming One Act.

Interpretations in this Act:

And with respect to the Construction of this Act and any Act incorporated therewith, be it enacted as follows:

"special Act:"

II. The Expression "the special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed authorizing the Construction of Waterworks, and with which this Act shall be incorporated;

"prescribed:"

and the Word "prescribed" used in this Act in reference to any Matter herein stated shall be construed to refer to such Matter as the same shall be prescribed or provided for in the special Act, and the Sentence in which such Word occurs shall be construed as if, instead of the Word "prescribed," the Expression "prescribed for that Purpose in the special Act," had been used; and the Ex-

"the Lands and Streams:"

pression "the Lands and Streams" shall mean the Lands and Streams of Water which shall by the special Act be authorized to be taken or used for the Purposes thereof;

"the Undertaking:"

and the Expression "the Undertaking" shall mean the Waterworks, and the Works connected therewith, by the

(*a*) Short Title, "The Waterworks Clauses Act, 1847." See s. 4.

special Act authorized to be constructed; and the Expression "the Undertakers" shall mean the Persons by the special Act authorized to construct the Waterworks. 10 Vict., Cap. 17. "the Undertakers."

III. The following Words and Expressions, in both this and the special Act, and any Act incorporated therewith, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Interpretations in this and the special Act:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number: Number:

Words importing the Masculine Gender shall include Females: Gender:

The Word "Person" shall include a Corporation, whether aggregate or sole: "Person:"

The Word "Lands" shall include Messuages, Lands, Tenements, and Hereditaments, or Heritages of any Tenure: "Lands:"

The Word "Streams" shall include Springs, Brooks, Rivers, and other running Waters: "Streams:"

The Word "Street" shall include any Square, Court, or Alley, Highway, Lane, Road, Thoroughfare, or public Passage or Place within the Limits of the special Act: "Street:"

The Expression "the Waterworks" shall mean the Waterworks, and the Works connected therewith, by the special Act authorized to be constructed: "the Waterworks:"

The Expression "Water Rate" shall include any Rent, Reward, or Payment to be made to the Undertakers for a Supply of Water: "Water Rate:"

The Word "Month" shall mean Calendar Month: "Month:"

The Expression "Superior Courts," where the Matter submitted to the Cognizance of the Court arises in England or Ireland, shall mean Her Majesty's Superior Courts of Record at Westminster or Dublin, as the Case may require * * * (*a*) and where such Matter arises in Scotland it shall mean the Court of Session: "Superior Courts:"

The Word "Oath" shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Persons allowed by Law to make a Declaration instead of taking an Oath: "Oath:"

The Word "County" shall include Riding or other Division of a County having a separate Commission of the Peace, and in Scotland * * * (*a*) any "County:"

(*a*) Words omitted repealed by Statute Law Revision Act, 1891.

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* * * (*b*) Division of a County * * * (*a*) having a separate Sheriff, and it shall also include County of a City or County of a Town:

"Justice:" The Word "Justice" shall mean Justice of the Peace acting for the Place where the Matter requiring the Cognizance of any such Justice arises; and if such Matter arise in respect of Lands or Streams situated not wholly in One Jurisdiction, shall mean a Justice acting for the County or Place where any Part of such Lands or Streams shall be situated; and where any Matter is authorised or required to be done by

"Two Justices:" Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices met and acting together:

"Sheriff:" The Word "Sheriff" shall mean the Sheriff Depute of the County * * * (*b*) in Scotland * * * (*a*) in which the Matter submitted to the Cognizance of the Sheriff arises, and shall include the Substitutes of such Sheriff Depute * * * (*a*)

"Quarter Sessions:" The Expression "Quarter Sessions" shall mean Quarter Sessions as defined in the special Act, and if such Expression be not there defined it shall mean the Court of General or Quarter Sessions of the Peace which shall be held at the Place nearest to the Waterworks, or the principal Office thereof, for the County or Place in which the Waterworks, or the principal Office thereof, is situate, or for some Division of such County having a separate Commission of the Peace:

"The Town Commissioners:" The Expression "the Town Commissioners" shall mean the Parties defined under that Title in the special Act, and where no such Parties shall be there defined shall mean the Commissioners, Trustees, or other Parties having the Control or Management of the Streets under any Act for paving or improving the Town or District to be supplied with Water under the special Act:

"Inspector." The Word "Inspector" shall mean an Officer appointed under any local Act relating to the Town or District supplied with Water under the special Act, for the Purpose of inspecting or superintending Works connected with the Paving, Drainage, or Supply of Water of such Town or District, or an Officer appointed under any general Act for executing the like Duties with respect to such Town or District together with other Towns or Districts.

(*a*) (*b*) Words omitted repealed by Statute Law Revision Acts, viz.: (*a*) 1891, (*b*) 1893.

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And with respect to citing this Act, or any Part thereof, be it enacted as follows:

Citing the Act.

IV. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be enough to use the Expression "the Waterworks Clauses Act, 1847."

Short Title of this Act.

Form in which Portions of this Act may be incorporated in other Acts.

V. For the Purpose of incorporating Part only of this Act with any Act hereafter to be passed, it shall be enough to describe the Clauses of this Act with respect to any Matter in the Words introductory to the Enactment with respect to such Matter, and to enact that the Clauses so described, or that this Act with the Exception of the Clauses so described, shall be incorporated with such Act, and thereupon all the Clauses of this Act so incorporated shall, save so far as they are expressly varied or excepted by such Act, form Part of such Act, and such Act shall be construed as if such Clauses were set forth therein with reference to the Matter to which such Act relates.

Construction of Waterworks.

And with respect to the Construction of the Waterworks, be it enacted as follows:

Construction of Waterworks to be subject to the Provisions of this Act and the Lands Clauses Consolidation Act, 1845.

VI. Where by the special Act the Undertakers shall be empowered, for the Purpose of constructing or supplying Waterworks, to take or use any Lands or Streams otherwise than with the Consent of the Owners and Occupiers thereof, they shall, in exercising the Power so given to them, be subject to the Provisions and Restrictions contained in this Act, and if the Waterworks be situated in England or Ireland, to the Provisions and Restrictions contained in the Lands Clauses Consolidation Act, 1845, and if the Waterworks be situated in Scotland, the Provisions and Restrictions contained in the Lands Clauses Consolidation, Scotland, Act, 1845; and shall make to the Owners and Occupiers of and all other Parties interested in any Lands or Streams taken or used for the Purposes of the special Act, or injuriously affected by the Construction or Maintenance of the Works thereby authorized, or otherwise by the Execution of the Powers thereby conferred, full Compensation for the Value of the Lands and Streams so taken or used, and for all Damage sustained by such Owners, Occupiers, and other Persons, by reason of the Exercise, as to such Lands and Streams, of the Powers vested in the Undertakers by this or the special Act, or any Act incorporated therewith; and except where otherwise provided by this or the special Act, the Amount of such Compensation shall be determined in the Manner provided by the said Lands Clauses Consolidation Acts respectively for determining Questions

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of Compensation with regard to Lands purchased or taken under the Provisions thereof, and all the Provisions of the said last-mentioned Acts respectively shall be applicable to determine the Amount of any such Compensation, and to enforce Payment or other Satisfaction thereof.

Errors and Omissions in Plans, &c. may be corrected by Justices, &c. who shall certify the same.

VII. If any Omission, Mis-statement, or wrong Description shall have been made of any Lands or Streams, or of the Owners, Lessees, or Occupiers of any Lands or Streams, described on the Plans or Books of Reference deposited in compliance with the Standing Orders of either House of Parliament, or in the Schedule to the special Act, the Undertakers, after giving Ten Days Notice to the Owners, Lessees, and Occupiers of the Lands and Streams affected by such proposed Correction, may apply, in England or Ireland, to Two Justices, and in Scotland to the Sheriff, for the Correction thereof; and if it appear to such Justices or Sheriff that such Omission, Mis-statement, or wrong Description arose from Mistake, they or he shall certify the same accordingly, and shall in such Certificate state the Particulars of any such Omission, Mis-statement, or wrong Description; and such Certificate, with the other Documents to which it relates, shall be deposited, in England or Ireland, with the Clerk of the Peace, and in Scotland with the Sheriff Clerk of the several Counties in which the Lands or Streams affected thereby are situated, or, where any such Lands or Streams are situated in a Royal Burgh in Scotland, with the Town Clerk of such Burgh; and such Certificate shall be kept by such Clerks of the Peace, Sheriff Clerks, or Town Clerks respectively with the other Documents to which they relate; and thereupon such Plan, Book of Reference, or Schedule shall be deemed to be corrected according to such Certificate; and the Undertakers may make the Works in accordance with such Certificate, as if such Omission, Mis-statement, or wrong Description had not been made.

Certificate, &c. to be deposited.

Works not to be proceeded with until Plans of all Alterations authorized by Parliament have been deposited.

VIII. The Undertakers shall not begin to execute the Waterworks unless they shall have previously deposited with the Clerk of the Peace in England or Ireland, and the Sheriff Clerk in Scotland, of every County, and the Town Clerk of every Royal Burgh in Scotland, in which the Waterworks shall be situated, a Plan and Section of all such Alterations from the original Plan and Section (if any) as shall have been approved of by Parliament, on the same Scale and containing the same Particulars as the original Plan and Section of the Waterworks, and shall also have deposited with the Parish Clerks of the several

Parishes in England, and the Clerks of the Unions of the several Parishes in Ireland, and the Schoolmasters of the several Parishes in Scotland, in which such Alterations shall have been authorized to be made, Copies or Extracts of or from such Plans and Sections as shall relate to such Parishes respectively. 10 Vict., Cap. 17.

IX. The said Clerks of the Peace, Sheriff Clerks, and Town Clerks, Parish Clerks, Clerks of Unions, and Schoolmasters, shall receive the said Plans and Sections of Alterations, and Copies and Extracts thereof respectively, and shall keep the same, as well as the said original Plans and Sections, and shall allow all Persons interested to inspect any of the Documents aforesaid, and to make Copies and Extracts of and from the same, in the like Manner and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of the original Plans and Sections by an Act passed in the First Year of the Reign of Her Majesty, intituled "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament." (*a*) Clerks of the Peace, &c. to receive Plans of Alterations, &c., and allow Inspection. 7 W. 4. & 1 Vict. c. 83.

X. Copies of the said Plans and Books of Reference, or of any Alteration or Correction thereof or Extracts therefrom, certified by any such Clerk of the Peace, Sheriff Clerk, or Town Clerk, which Certificate such Clerk shall give to all Parties interested, when required, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof. Copies of Plans and Alterations, &c. to be Evidence.

XI. The Undertakers in constructing the Waterworks shall not deviate from the Line of the Works laid down in the said Plan more than the prescribed Number of Yards, and where no Number of Yards is prescribed not more than Ten Yards, nor in any Case to any greater Extent than the Line of lateral Deviation described in the said Plans with respect to such Works, nor take nor use, for the Purpose of such Deviation, the Lands of any Person not mentioned in the Books of Reference, without his previous Consent in writing, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission happened from Mistake shall have been certified in manner herein-before provided. Not to deviate beyond Limits defined upon Plans, &c.

(*a*) Short Title, "The Parliamentary Documents Deposit Act, 1837." See "Short Titles Act, 1896," s. 1.

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Undertakers, subject to Provisions of this and the special Act, may execute the Works herein named.

XII. Subject to the Provisions and Restrictions in this and the special Act, and any Act incorporated therewith, the Undertakers may execute any of the following Works for constructing the Waterworks; (that is to say,)

They may enter upon any Lands and other Places described on the said Plans and in the said Books of Reference, and take Levels of the same, and set out such Parts thereof as they shall think necessary, and dig and break up the Soil of such Lands, and trench and sough the same, and remove or use all Earth, Stones, Mines, Minerals, Trees, or other Things dug or gotten out of the same:

They may from Time to Time sink such Wells or Shafts, and make, maintain, alter, or discontinue such Reservoirs, Waterworks, Cisterns, Tanks, Aqueducts, Drains, Cuts, Sluices, Pipes, Culverts, Engines, and other Works, and erect such Buildings, upon the Lands and Streams authorized to be taken by them, as they shall think proper, for supplying the Inhabitants of the Town or District within the prescribed Limits with Water:

They may from Time to Time divert and impound the Water from the Streams mentioned for that Purpose in the special Act, or the said Plans or Books of Reference, and alter the Course of any such Streams, not being navigable, and also take such Waters as may be found in and under or on the Lands to be taken for constructing the Works:

Undertakers to make Compensation for Damages.

Provided always, that in the Exercise of the said Powers the Undertakers shall do as little Damage as can be, and in all Cases where it can be done shall provide other Watering Places, Drains, and Channels for the Use of adjoining Lands, in place of any such as shall be taken away or interrupted by them, and shall make full Compensation to all Parties interested for all Damage sustained by them through the Exercise of such Powers.

Penalty for obstructing Construction of Works.

XIII. Every Person who shall wilfully obstruct any Person acting under the Authority of the Undertakers in setting out the Line of the Works, or pull up or remove any Poles or Stakes driven into the Ground for the Purpose of setting out the Line of such Works, or deface or destroy any Works made for the same Purpose, shall be liable to a Penalty not exceeding Five Pounds for every such Offence.

Penalty for illegally diverting Water.

XIV. After the Streams or Supplies of Water hereby or by the special Act authorized to be taken by the Undertakers shall have been so taken, every Person who shall

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illegally divert or take the Waters supplying or flowing into the Streams so taken, or any Part thereof, or who shall do any unlawful Act whereby the said Streams or Supplies of Water may be drawn off or diminished in Quantity, and who shall not immediately repair the Injury done by him, on being required so to do by the Undertakers, so as to restore the said Waters to the State in which they were before such Act, shall forfeit to the Undertakers any Sum which shall be awarded, in England or Ireland, by Two Justices, and in Scotland by the Sheriff, not exceeding Five Pounds for every Day during which the said Supply of Water shall be diverted or diminished by reason of any Act done by or by the Authority of such Person, and any Sum so forfeited shall be in addition to the Sum which he may be lawfully adjudged liable to pay to the Undertakers for any Damage which they may sustain by reason of their Supply of Water being diminished; and the Payment of the Sum so forfeited shall not bar or affect the Right of the Undertakers to bring or raise an Action at Law against such Person for the Damage so committed.

Reservation of existing Rights.

XV. Provided always, That nothing herein contained shall prevent the Owners and Occupiers for the Time being of Lands through or by which such Streams shall flow from using the Waters thereof in such Manner and to such Extent as they might have done before the passing of the special Act, unless they shall have received Compensation in respect of their Right of so using such Water.

Accommodation Works.

And with respect to the Construction of Works for the Accommodation of Lands adjoining the Waterworks, be it enacted as follows:

Differences as to the Construction of Accommodation Works to be settled by Justices.

XVI. Where by the special Act the Undertakers shall be required to erect any Works for making good the Interruption caused to any Lands adjoining or near the Waterworks, or otherwise, for the Accommodation of such Lands, then if any Difference shall arise respecting the Construction of any such Accommodation Works, or the Kind or Size or Sufficiency thereof, or respecting the Maintenance thereof, the same shall be determined in England or Ireland by Two Justices, and in Scotland by the Sheriff, and such Justices or Sheriff shall also appoint the Time within which such Accommodation Works shall be begun and finished by the Undertakers.

If Undertakers fail to execute such Works, Persons aggrieved may

XVII. If the Undertakers shall for Fourteen Days next after the Time appointed by such Justices or Sheriff, for the Beginning of any such Accommodation Works fail to begin such Works, or, having begun such Works, fail

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diligently to execute the same in a sufficient Manner, the Person aggrieved by such Failure may execute such Works or Repairs; and the reasonable Expenses thereof shall, on Demand, be repaid by the Undertakers to the Person by whom the same shall so have been executed; and if there be any Dispute about the Amount or Nature of such Expenses, the same shall be settled in England or Ireland by Two Justices, and in Scotland by the Sheriff.

perform the same, and charge the Expense to the Undertakers.

Mines.

And with respect to Mines, be it enacted as follows:

Undertakers not entitled to Mines unless previously purchased.

XVIII. The Undertakers shall not be entitled to any Mines of Coal, Ironstone, Slate, or other Minerals under any Land purchased by them, except only such Parts thereof as shall be necessary to be dug or carried away or used in the Construction of the Waterworks, unless the same shall have been expressly purchased, and all such Mines, excepting as aforesaid, shall be deemed to be excepted out of the Conveyance of such Lands, unless they shall have been expressly named therein and conveyed thereby.

Map and Plan of underground Works of Undertakers to be made.

XIX. The Undertakers shall from Time to Time, within Six Months from the Time at which any Pipes, Conduits, or underground Works shall have been laid down or formed by them, cause a Survey and Map to be made of the District within which any such Pipes or underground Works shall be laid, on a Scale not less than One Foot to a Mile, and shall cause to be marked thereon the Course and Situation of all existing Pipes or Conduits for the Collection, Passage, or Distribution of Water and underground Works belonging to them, in order to show all such underground Works within the said District, and shall, within Six Months from the making of any Alterations or Additions, cause the said Map to be from Time to Time corrected, and such Additions made thereto as may show the Line and Situation of all such Pipes, Conduits, and underground Works as may be laid down or formed by them from Time to Time after the passing of the special Act, and such Map and Plan, or a Copy thereof, with the Date expressed thereon of the last Time when the same shall have been so corrected as aforesaid, shall be kept in the Office of the Undertakers, and shall be open to the Inspection of all Persons interested in the same within the said District.

Copies of such Map or Plan to be deposited with Clerk of the Peace &c.

XX. The Undertakers shall, from Time to Time, within Three Months from the Time at which any such Map or Plan, or any such Correction thereof or addition thereto, shall have been made as aforesaid, deposit with

the Clerks of the Peace in England or Ireland, and with the Sheriff Clerks in Scotland, of every County, and the Town Clerk of every Burgh in Scotland, in which such District or any Part thereof may be situate, and also with the Parish Clerks of the several Parishes in England, and Clerks of the Union of the several Parishes in Ireland, and the Schoolmaster of the several Parishes in Scotland, in which such underground Works shall be situate, Copies of the said Map or Plan, with all such Particulars, and all such Corrections and Additions as aforesaid, so far as relates to such Counties, Burghs, and Parishes respectively. 10 Vict., Cap. 17.

Clerks of the Peace, &c. to receive and keep Copies of the Map, &c., and allow Inspection.

XXI. The said Clerks of the Peace, Sheriff Clerks, and Town Clerks, Parish Clerks, Clerks of the Union, and Schoolmasters shall receive the said Copies of the said Map and Plan respectively, and shall keep the same, and shall allow all Persons interested to inspect the same, and take Copies or Extracts of and from the same, in the like Manner, and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of Maps and Plans deposited under an Act passed in the First Year of the Reign of Her Majesty, intituled "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament." (*a*) 7 W. 4. & 1 Vict. c. 83.

Mines lying near the Works not to be worked until Owners give Notice to Undertakers of their Intentions.

XXII. Except where otherwise provided for by Agreement between the Undertakers and other Parties, if the Owner, Lessee, or Occupier of any Mines or Minerals lying under the Reservoirs or Buildings belonging to the Undertakers, or under any of their Pipes or Works which shall be under Ground, and shall be described in the Map or Plan which shall be so kept and deposited as hereinbefore mentioned, or within the prescribed Distance, if any, and if no Distance be prescribed within Forty Yards therefrom, be desirous of working the same, such Owner, Lessee, or Occupier shall give the Undertakers Notice in Writing of his Intention so to do Thirty Days before the Commencement of working; and upon the Receipt of such Notice it shall be lawful for the Undertakers to cause such Mines to be inspected by any Person appointed by them for the Purpose, and if it appear to the Undertakers that the working of such Mines or Minerals is likely to damage the said Works, and if they be willing to make Compensation for such Mines to such Owner,

Upon Receipt of Notice, Undertakers may take the Mines, making Compensation to the Owners.

(*a*) Short Title, "The Parliamentary Documents Deposit Act, 1837." See "Short Titles Act, 1896," s. 1

10 Vict., Cap. 17.

Lessee, or Occupier thereof, then he shall not work the same; and if the Undertakers and such Owner do not agree as to the Amount of such Compensation the same shall be settled as in other Cases of disputed Compensation.

If Company unwilling to treat for Payment of Compensation, Owner may work the Mines.

XXIII. If before the Expiration of such Thirty Days the Undertakers do not state their Willingness to treat with such Owner, Lessee, or Occupier for the Payment of such Compensation, it shall be lawful for him to work the said Mines, and to drain the same, by means of Engines or otherwise, as if this Act and the special Act had not been passed, so that no wilful Damage be done to the said Works, and so that the said Mines be not worked in an unusual Manner; and if any Damage or Obstruction be occasioned to the Works of the Undertakers by the working of such Mines in an unusual Manner the same shall be forthwith repaired or removed (as the Case may require), and such Damage made good, by the Owner, Lessee, or Occupier of such Mines or Minerals, and at his own Expense, and if such Repair or Removal be not forthwith done, or if the Undertakers shall so think fit, without waiting for the same to be done by such Owner, Lessee, or Occupier, it shall be lawful for the Undertakers to execute the same, and recover from such Owner, Lessee, or Occupier the Expense occasioned thereby by Action in any of the Superior Courts.

Owners to make good Damage occasioned by working the Mines in an unusual Manner.

Mining Communications.

XXIV. If the working of any such Mines under the said Works of the Undertakers or within the above-mentioned Distance therefrom be prevented as aforesaid by reason of apprehended Injury to such Works, it shall be lawful for the respective Owners, Lessees, and Occupiers of such Mines to cut and make such and so many Airways, Headways, Gateways, or Water Levels through the Mines, Measures, or Strata the working whereof shall be so prevented as may be requisite to enable them to ventilate, drain, and work any Mines or Minerals on each or either Side thereof, but no such Airway, Headway, Gateway, or Water Level shall be of greater Dimensions or Sections than the prescribed Dimensions or Sections, and where no Dimensions are prescribed Eight Feet wide and Eight Feet high, nor shall the same be cut or made upon any Part of the said Works so as to injure the same.

Company to make Compensation to Owner, Lessee, or Occu-

XXV. Except where otherwise provided for by Agreement the Undertakers shall from Time to Time pay to the Owner, Lessee, or Occupier of any Mines of Coal, Ironstone, and other Minerals extending so as to lie on

both Sides of any Reservoirs, Buildings, Pipes, Conduits, or other Works, all such additional Expenses and Losses as shall be incurred by such Owner, Lessee, or Occupier by reason of the Severance of the Lands over such Mines or Minerals by such Reservoirs or other Works, or of the continuous working of such Mines or Minerals being interrupted as aforesaid, or by reason of the same being worked under the Restrictions contained in this or the special Act; and for any Mines or Minerals not purchased by the Undertakers which cannot be obtained by reason of making and maintaining the said Works, or by reason of such apprehended Injury from the working thereof as aforesaid; and if any Dispute or Question shall arise between the Undertakers and such Owner, Lessee, or Occupier as aforesaid touching the Price of such Minerals, the same shall be settled by Arbitration in such Manner as is provided by the Lands Clauses Consolidation Act if the Undertaking shall be situate in England or Ireland, and by the Lands Clauses Consolidation (Scotland) Act if the Undertaking shall be situate in Scotland.

pier of Mines for Expenses incurred by reason of Mines being worked.

Disputes to be settled by Arbitration.

XXVI. For better ascertaining whether any such Mines are being worked or have been worked so as to damage the said Works it shall be lawful for the Undertakers, after giving Twenty-four Hours Notice in Writing, to enter upon any Lands through or near which the said Works are situate, and wherein any such Mines are being worked or are supposed so to be, and to enter into and return from any such Mines or the Works connected therewith, and for that Purpose it shall be lawful for them to make use of any Apparatus or Machinery belonging to the Owner, Lessee, or Occupier of such Mines, and to use all necessary Means for discovering the Distance from the said Works to the Parts of such Mines which are being worked or about to be worked.

Power to Company to enter and inspect the working of Mines, after giving Notice of the same.

XXVII. Nothing in this or the special Act shall prevent the Undertakers from being liable to any Action or other legal Proceeding to which they would have been liable for any Damage or Injury done or occasioned to any Mines by means or in consequence of the Waterworks, in case the same had not been constructed or maintained by virtue of this Act or the special Act.

Nothing to prevent Undertakers from being liable to Actions for injury done to Mines.

And with respect to the breaking up of Streets for the Purpose of laying Pipes, be it enacted as follows:

Laying of Pipes.

XXVIII. The Undertakers, under such Superintendence as is herein-after specified, may open and break up the Soil and Pavement of the several Streets and Bridges

Power to break up Streets, &c., under Super-

10 Vict., Cap. 17.

within the Limits of the special Act; and may open and break up any Sewers, Drains, or Tunnels within or under such Streets and Bridges, and lay down and place within the same Limits Pipes, Conduits, Service Pipes, and other Works and Engines, and from Time to Time repair, alter, or remove the same, and for the Purposes aforesaid remove and use all Earth and Materials in and under such Streets and Bridges, and do all other Acts which the Undertakers shall from Time to Time deem necessary for supplying Water to the Inhabitants of the District included within the said Limits, doing as little Damage as can be in the Execution of the Powers hereby or by the special Act granted, and making Compensation for any Damage which may be done in the Execution of such Powers.

Intendence, and to open Drains.

Not to enter on private Land without Consent.

XXIX. Provided always, that nothing herein contained shall authorize or empower the Undertakers to lay down or place any Pipe, Conduit, Service Pipe, or other Work in any Land not dedicated to public Use without the Consent of the Owners and Occupiers thereof, except that the Undertakers at any Time may enter upon and lay or place any new Pipe in the Place of an existing Pipe in any Land wherein any Pipe hath been already lawfully laid down or placed in pursuance of this or the special Act, or any other Act of Parliament, and may repair or alter any Pipe so laid down.

Notice to be served on Persons having Control, &c. before breaking up Streets or opening Drains.

XXX. Before the Undertakers open or break up any Street, Bridge, Sewer, Drain, or Tunnel, they shall give to the Persons under whose Control or Management the same may be, or to their Clerk, Surveyor, or other Officer, Notice in Writing of their Intention to open or break up the same, not less than Three clear Days before beginning such Work, except in Cases of Emergency arising from Defects in any of the Pipes or other Works, and then so soon as is possible after the Beginning of the Work, or the Necessity for the same shall have arisen.

Streets or Drains not to be broken up except under Superintendence of Persons having Control of the same.

XXXI. No such Street, Bridge, Sewer, Drain, or Tunnel shall, except in the Cases of Emergency aforesaid, be opened or broken up, except under the Superintendence of the Persons having the Control or Management thereof, or of their Officer, and according to such Plan as shall be approved of by such Persons or their Officer, or in case of any Difference respecting such Plan, then according to such Plan as shall be determined by Two Justices; and such Justices may, on the Application of the Persons having the Control or Management of any such

Sewer or Drain, or their Officer, require the Undertakers to make such temporary or other Works as they may think necessary for guarding against any Interruption of the Drainage during the Execution of any Works which interfere with any such Sewer or Drain: Provided always, that if the Persons having such Control or Management as aforesaid, and their Officer, fail to attend at the Time fixed for the opening of any such Street, Bridge, Sewer, Drain, or Tunnel, after having had such Notice of the Intention of the Undertakers as aforesaid, or shall not propose any Plan for breaking up or opening the same, or shall refuse or neglect to superintend the Operation, the Undertakers may perform the Work specified in such Notice without the Superintendence of such Persons, or their Officer.

If Persons having the Control, &c. fail to superintend, Undertakers may perform the Work without them.

XXXII. When the Undertakers open or break up the Road or Pavement of any Street or Bridge, or any Sewer, Drain, or Tunnel, they shall with all convenient Speed complete the Work for which the same shall be broken up, and fill in the Ground, and reinstate and make good the Road or Pavement, or the Sewer, Drain, or Tunnel, so opened or broken up, and carry away the Rubbish occasioned thereby, and shall at all Times whilst any such Road or Pavement shall be so opened or broken up cause the same to be fenced and guarded, and shall cause a Light sufficient for the warning of Passengers to be set up and kept there against, every Night during which such Road or Pavement shall be continued open or broken up, and shall, after replacing and making good the Road or Pavement which shall have been so broken up, keep the same in good Repair for Three Months thereafter, and such further Time, if any, not being more than Twelve Months in the whole, as the Soil so broken up shall continue to subside.

Streets, &c. broken up to be reinstated without Delay.

XXXIII. If the Undertakers open or break up any Street or Bridge, or any Sewer, Drain, or Tunnel, without giving such Notice as aforesaid, or in a Manner different from that which shall have been approved of or determined as aforesaid, or without making such temporary or other Works as aforesaid, when so required, except in the Cases in which the Undertakers are authorized to perform such Works without any Superintendence or Notice, or if the Undertakers make any unnecessary Delay in completing any such Work, or in filling in the Ground, or reinstating and making good the Road or Pavement, or the Sewer, Drain, or Tunnel, so opened or broken up, or in carrying away the Rubbish occasioned thereby, or if

Penalty for Delay in reinstating Streets, &c.

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they neglect to cause the Place where such Road or Pavement has been broken up to be fenced, guarded, and lighted, or neglect to keep the Road or Pavement in repair for the Space of Six Months next after the same is made good, or such further Time as aforesaid, they shall forfeit to the Persons having the Control or Management of a Street, Bridge, Sewer, Drain, or Tunnel in respect of which such Default is made a Sum not exceeding Five Pounds for every such Offence, and an additional Sum of Five Pounds for each Day during which any such Delay as aforesaid shall continue after they shall have received Notice thereof.

In case of Delay, other Parties may reinstate and recover the Expenses.

XXXIV. If any such Delay or Omission as aforesaid shall take place the Persons having the Control or Management of the Street, Bridge, Sewer, Drain, or Tunnel in respect of which such Delay or Omission shall take place may cause the Work so delayed or omitted to be executed, and the Expense of executing the same shall be repaid to such Persons by the Undertakers, and such Expenses may be recovered in the same Way as Damages are recoverable under this and the special Act.

Supply of Water.

And with respect to the Supply of Water to be furnished by the Undertakers, be it enacted as follows:

A Constant Supply of Water to be kept for domestic Purposes at high Pressure.

XXXV. The Undertakers shall provide and keep in the Pipes to be laid down by them a Supply of pure and wholesome Water, sufficient for the Domestic Use of all the Inhabitants of the Town or District within the Limits of the Special Act, who, as herein-after provided, shall be entitled to demand a Supply, and shall be willing to pay Water Rate for the same; and such Supply shall be constantly laid on at such a Pressure as will make the Water reach the top Story of the highest Houses within the said Limits, unless it be provided by the special Act that the Water to be supplied by the Undertakers need not be constantly laid on under Pressure; and the Undertakers shall cause Pipes to be laid down and Water to be brought to every Part of the Town or District within the Limits of the special Act whereunto they shall be required by so many Owners or Occupiers of Houses in that Part of the Town or District, as that the aggregate Amount of Water Rate payable by them annually at the Rates specified in the special Act shall be not less than One Tenth Part of the Expense of providing and laying down such Pipes; provided that no such Requisition shall be binding on the Undertakers unless such Owners or Occupiers shall sever-

ally execute an Agreement binding themselves to take such Supply of Water for Three successive Years at least. 10 Vict., Cap. 17.

Penalty for Neglect to lay Pipes for Supply of Water for domestic Use.

XXXVI. If for Twenty-eight Days after Demand in Writing made to the Undertakers, and Tender made of an Agreement, signed by such Number of Owners or Occupiers as aforesaid, to take and pay for a Supply of Water for Three Years or more, the Undertakers shall refuse or neglect to lay down Pipes in the Manner herein-before directed, and to provide such Supply of Water as aforesaid or as provided by the special Act, they shall forfeit to each of such Owners and Occupiers the Amount of Rate which he would be liable to pay under such Agreement, and also the further Sum of Forty Shillings for every Day during which they shall refuse or neglect to lay down such Pipes, or to provide such Supply of Water: Provided always, that the Undertakers shall not be liable to any Penalty for not supplying Water if the Want of such Supply shall arise from Frost, unusual Drought, or other unavoidable Cause or Accident.

Proviso.

Supply of Water to be kept for cleansing Sewers, Drains, &c. and for other public Purposes.

XXXVII. In all the Pipes to which any Fire-plug shall be fixed the Undertakers shall provide and keep constantly laid on, unless prevented by Frost, unusual Drought, or other unavoidable Accident, or during necessary Repairs, a sufficient Supply of Water for the following Purposes; (that is to say,) for cleansing the Sewers and Drains, for cleansing and watering the Streets, and for supplying any public Pumps, Baths, or Wash-houses that may be established for the free Use of the Inhabitants, or paid for out of any Poor Rates or Borough Rates levied within the Limits of the special Act; and such Supply shall be provided at such Rates, in such Quantities, and upon such Terms and Conditions as may be agreed upon by the Town Commissioners and the Undertakers, or, in case of Disagreement, as shall be settled in England or Ireland by two Justices, and in Scotland by the Sheriff, until in either Case an Inspector shall have been appointed, and after the Appointment of such Inspector, by the Inspector so appointed.

Fire-plugs.

Undertakers to affix public Fire-plugs in Mains.

XXXVIII. The Undertakers, at the Request of the Town Commissioners, shall fix proper Fire-plugs in the Main and other Pipes belonging to them, at such convenient Distances, not being more than the prescribed Distance, or, if no Distance be prescribed, not more than One hundred Yards from each other, and at such Places as may be most proper and convenient for the Supply of Water for extinguishing any Fire which may break out

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within the Limits of the special Act; and in case of any Difference of Opinion as to the proper Position or Number of such Fire-plugs, it shall be settled by such Inspector as aforesaid, when appointed, and in the meantime by Two Justices in England or Ireland, and by the Sheriff in Scotland.

Undertakers to repair Fire-plugs and deposit Keys thereof at Engine Houses, &c.

XXXIX. The Undertakers shall from Time to Time renew and keep in effective Order every such Fire-plug; and as soon as any such Fire-plug is completed they shall deposit a Key thereof at each Place within the Limits of the special Act where any public Fire Engine is kept, and in such other Places as may be appointed by the Town Commissioners, and shall put up a public Notice in some conspicuous Place in each Street in which such Fire-plug is situated showing its Situation, which Notice the Undertakers may put up on any House or Building in such Street.

Expense of Fire-plugs, &c., how to be borne.

XL. The Cost of such Fire-plugs, and the Expense of fixing, placing, and maintaining the same in repair, and of providing such Keys as aforesaid, shall be defrayed by the Town Commissioners.

Fire-plugs to be placed near Manufactories at request, &c. of Owners.

XLI. The Undertakers shall, at the Request and Expense of the Owner or Occupier of any Work or Manufactory situated in any Street in which there shall be a Pipe of the Undertakers, place and maintain in effective Order a Fire-plug (to be used only for extinguishing Fires) as near as conveniently may be to such Work or Manufactory.

Pipes to be kept charged, and Water taken to extinguish Fires without Charge.

XLII. The Undertakers shall at all Times keep charged with Water, under such Pressure as aforesaid, all their Pipes to which Fire-plugs shall be fixed, unless prevented by Frost, unusual Drought, or other unavoidable Cause or Accident, or during necessary Repairs, and shall allow all Persons at all Times to take and use such Water for extinguishing Fire, without making Compensation for the same.

Penalty for Refusal to fix, &c. Fire-plugs, or occasional Failure of Supply of Water.

XLIII. If, except when prevented as aforesaid, the Undertakers neglect or refuse to fix, maintain, or repair such Fire-plugs, or to furnish to the Town Commissioners a sufficient Supply of Water for the public Purposes aforesaid, upon such Terms as shall have been agreed on or settled as aforesaid, or if, except as aforesaid, they neglect to keep their Pipes charged under such Pressure as aforesaid, or neglect or refuse to furnish to any Owner or Occupier entitled under this or the special Act to receive

a Supply of Water during any Part of the Time for which the Rates for such Supply have been paid or tendered, they shall be liable to a Penalty of Ten Pounds, and shall also forfeit to the Town Commissioners, and to every Person having paid or tendered the Rate, the Sum of Forty Shillings for every Day during which such Refusal or Neglect shall continue after Notice in Writing shall have been given to the Undertakers of the Want of Supply. 10 Vict., Cap. 17.

And with respect to the Communication Pipes to be laid by the Undertakers, be it enacted as follows:

Pipes to be laid by the Undertakers.

Undertakers to lay down Communication Pipes on Request of Occupier and with Consent of Owners in Houses of limited Value.

XLIV. The Undertakers shall, upon the Request of the Owner of any Dwelling House in any Street in which Pipes shall have been laid down by them, the annual Value of which House shall not exceed Ten Pounds, or upon Request of the Occupier, [with the Consent in Writing of the Owner or reputed Owner of any such House, or of the Agent of such Owner (*a*),] and upon Payment or Tender of the Proportion of Water Rate in respect of such House by this or the special Act made payable in advance, lay down Communication Pipes and other necessary Works for the Supply of such House with Water for domestic or other Purposes, and shall keep the same in repair, and thereupon the Occupier of such House shall be entitled to have a sufficient supply of Water for his domestic Purposes from the Undertakers; and the Undertakers may charge for such Pipes and Works, in addition to the Water Rate, such reasonable annual Rent as shall be agreed upon, or, in case of Dispute, as shall be settled by such Inspector as aforesaid, when appointed, and in the meantime as shall in England or Ireland be settled by Two Justices, and in Scotland by the Sheriff; and such Rent shall be chargeable on and recoverable from the Occupier, or, in his Default, from the Owner of such House, at the same Times and in the same Manner as Water Rates; and such Pipes and other Works shall not be subject to Distress or to the Landlords Hypothec for Rent, nor to be taken in Execution under any Process of a Court of Law or Equity, or under any Fiat or Sequestration in Bankruptcy, against such Occupier or against such Owner, unless he shall have become the Proprietor of the said Pipes and Works under the Provisions herein-after contained.

(*a*) For purposes of supply of water by local authorities, s. 44 to have effect as if words within brackets were omitted. See Public Health Act, 1875, s. 57, and Public Health (Ireland) Act, 1878, s. 67, final clause, p. 266.

10 Vict., Cap. 17.

Penalty on Undertakers for refusal to lay Communication Pipes.

XLV. If, upon such Request and Consent, and upon Tender or Payment of such Proportion of Rate as aforesaid, the Undertakers for Seven Days neglect or refuse to lay down such Communication Pipes or other Works, they shall be liable to forfeit to the Person so making such Request the Sum of Five Pounds, and a further Sum of Forty Shillings for every Day during which such Refusal or Neglect shall continue after Seven Days from the making of such Request and Tender as aforesaid.

Undertakers to be at liberty to remove Pipes, and recover Expenses of Owners or Occupiers.

XLVI. If the Occupier for the Time being of the House in which any such Communication Pipes or other Works and Engines shall have been laid down by the Undertakers refuse to pay for a Supply of Water, or if such House be unoccupied for Twelve Months, the Undertakers may demand from the Owner thereof Payment of the Amount of the Principal Money invested by them in providing and laying down such Communication Pipes and other Works and Engines; and if such Owner, after Ten Days Notice given to him by the Undertakers, neglect or refuse to pay such Principal Money, the Undertakers may enter the House and remove such Pipes and other Works; and the Balance of such Principal Money, after deducting the Value of such Pipes and other Works, with all Arrear of Rent for such Pipes and Works, shall, in Default of Payment, be recovered, with the Costs incurred, from the Owner or from the Occupier for the Time being in the same Manner as Water Rates are directed by this or the special Act to be recovered: Provided always, that no greater Sum shall be recovered from any such Occupier than the Amount of Rent for the Time being owing by him unless he refuse to discover the Amount of Rent owing by him; and that every such Occupier shall be entitled to deduct from the Amount of Rent payable by him the Sum so recovered from him, or which he shall have paid on Demand.

No greater Sum to be recovered from Occupiers than Amount of Rent due.

Owner to be at liberty to purchase the Pipes.

XLVII. The Owner or reputed Owner of any House where any such Communication Pipes or other Works shall have been laid down by the Undertakers may at any Time pay off the Amount then due to the Undertakers in respect of the Costs of providing and laying down such Pipes and Works, and all Rent at that Time due in respect thereof, and thereupon such Pipes and Works shall become the Property of such Owner, and all further Rent in respect thereof shall cease to accrue to the Undertakers.

And with respect to the Communication Pipes to be laid by the Inhabitants, be it enacted as follows: 10 Vict., Cap. 17.

Pipes to be laid by the Inhabitants.

XLVIII. Any Owner or Occupier of any Dwelling House or Part of a Dwelling House within the Limits of the special Act who shall wish to have Water from the Waterworks of the Undertakers brought into his Premises, and who shall have paid or tendered to the Undertakers the Portion of Water Rate in respect of such Premises by this or the special Act directed to be paid in advance, may open the Ground between the Pipes of the Undertakers, and his Premises having first obtained the Consent of the Owners and Occupiers of such Ground, and lay any Leaden or other Pipes from such Premises, to communicate with the Pipes of the Undertakers, such Pipes to be of a Strength and Material to be approved by the Undertakers, or, in case of Dispute, to be settled in England or Ireland by Two Justices, and in Scotland by the Sheriff, or in either Case by the Inspector to be appointed as aforesaid: Provided always, that every such Owner or Occupier shall, before he begins to lay any such Pipe, give to the Undertakers Fourteen Days Notice of his Intention to do so.

Power to Inhabitants to lay Service Pipes, giving the Undertakers Notice of the same.

Communication with the Pipes of the Undertakers to be made under the Superintendence of their Surveyor.

XLIX. Before any Pipe is made to communicate with the Pipes of the Undertakers, the Person intending to lay such Pipe shall give Two Days Notice to the Undertakers of the Day and Hour when such Pipe is intended to be made to communicate with the Pipes of the Undertakers; and every such Pipe shall be so made to communicate under the Superintendence and according to the Directions of the Surveyor or other Officer appointed for that Purpose by the Undertakers, unless such Surveyor or Officer fail to attend at the Time mentioned in the said Notice; and in case of any Dispute as to the Manner in which such Pipe shall be so made to communicate, it shall in England or Ireland be settled by Two Justices, and in Scotland by the Sheriff, or in either Case by the Inspector to be appointed as aforesaid.

As to the Settling of Disputes.

Bore of Service Pipes.

L. The Bore of any such Pipe as last aforesaid shall not exceed the prescribed Limits, and where no Limit shall be described it shall not exceed Half an Inch, except with the Consent of the Undertakers.

Service Pipes may be removed after giving Notice of the same.

LI. Any Person who shall have laid down any Pipe or other Works, or who shall have become the Proprietor thereof, may remove the same, after having first given Six Days' Notice in Writing to the Undertakers of his Inten-

10 Vict., Cap. 17.

tion so to do, and of the Time of such proposed Removal, and every such Person shall make Compensation to the Undertakers for any Injury or Damage to their Pipes or Works which may be caused by such Removal; and every Person who shall remove any such Pipe or other Works without giving such Notice as aforesaid shall forfeit to the Undertakers a Sum not exceeding Five Pounds, over and above the Damage which he may be found liable to pay in any Action at Law, at the Suit of the Undertakers, for the Damage done to their Pipes or Works.

Penalty on removing Pipes without Notice.

Power to Inhabitants to break up Pavements, giving Notice of the same.

LII. Any such Owner or Occupier may open or break up so much of the Pavement of any Street as shall be between the Pipe of the Undertakers and his House, Building, or Premises, and any Sewer or Drain therein, for any such Purpose as aforesaid, doing as little Damage as may be, and making Compensation for any Damage done in the Execution of any such Work: Provided always, that every such Owner or Occupier desiring to break up the Pavement of any Street, or any Sewer or Drain therein, shall be subject to the same Necessity of giving previous Notice, and shall be subject to the same Control, Restriction, and Obligations in and during the Time of breaking up the same, and also reinstating the same, and to the same Penalties for any Delay in regard thereto, as the Undertakers are subject to by virtue of this or the special Act.

Owners or Occupiers entitled to demand a Supply of Water for domestic Purposes.

LIII. Every Owner and Occupier of any Dwelling House, or Part of a Dwelling House within the Limits of the special Act shall, when he has laid such Communication Pipes as aforesaid, and paid or tendered the Water Rate payable in respect thereof, according to the Provisions of this and the special Act, be entitled to demand and receive from the Undertakers a sufficient Supply of Water for his domestic Purposes.

Protection of Water.

And with respect to Waste or Misuse of the Water supplied by the Undertakers, be it enacted as follows:

Persons using the Water to provide Cisterns and Cocks.

LIV. If by the special Act it be provided that the Water to be supplied by the Undertakers need not be constantly laid on under Pressure, every Person supplied with Water shall, when required by the Undertakers, provide a proper Cistern to hold the Water with which he shall be so supplied with a Ball and Stop Cock in the Pipe bringing the Water from the Works of the Undertakers to such Cistern, and shall keep such Cistern, Ball and Stop Cock in good Repair, so as effectually to prevent the

Water from running to waste; and in case any such Person shall, when required by the Undertakers, neglect to provide such Cistern, Ball or Stop Cock, or to keep the same in good Repair, the Undertakers may cut off the Pipe or turn off the Water from the Premises of such Person until such Cistern and Ball and Stop Cock shall be provided or repaired, as the Case may require.

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Penalty for Neglect.

[LV. Every Person supplied with Water by the Undertakers who shall suffer any such Cistern, Pipe, Ball or Stop Cock to be out of repair, so that the Water supplied to him by the Undertakers shall be wasted, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Five Pounds.]

Penalty for suffering Cistern, &c. to be out of repair.

[The above s. 55. is repealed by the Statute Law Revision Act, 1875, so far as it relates to Special Acts with which the Waterworks Clauses Act, 1863, is incorporated.]

LVI. The Undertakers may repair any such Cistern, Pipe, Ball or Stop Cock, so as to prevent any such Waste of Water, and the Expenses of such Repair shall be repaid to them by the Person so allowing the same to be out of repair, and may be received (*a*) as Damages.

Undertakers may repair Cisterns, &c. and recover the Expenses. (*a*) *&c.*

LVII. The Surveyor, or any other Person acting under the Authority of the Undertakers, may, between the Hours of Nine of the Clock in the Forenoon and Four of the Clock in the Afternoon, enter into any House or Premises supplied with Water by virtue of this or the special Act in order to examine if there be any Waste or Misuse of such Water; and if such Surveyor or other Person at any such Time be refused Admittance into such Dwelling House or Premises for the Purpose aforesaid, or be prevented from making such Examination as aforesaid, the Undertakers may turn off the Water supplied by them from such House or other Premises.

Power to Surveyor employed by Undertakers to enter Houses to inspect, &c.

LVIII. Every Owner or Occupier of any Tenement supplied with Water under this or the special Act who shall supply to any other Person or wilfully permit him to take any such Water from any Cistern or Pipe in such Tenement, unless for the Purpose of extinguishing any Fire, or unless he be a Person supplied with Water by the Undertakers, and the Pipes belonging to him be, without his Default, out of repair, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Five Pounds.

Penalty for allowing Persons to use the Undertakers Water.

[LIX. Every Person who, not having agreed to be supplied with Water by the Undertakers, shall take any Water from any Reservoir, Watercourse, or Conduit belonging to

Penalty for taking the Undertakers Water with-

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out Agreement.

the Undertakers, or any Pipe leading to any such Reservoir, Watercourse, or Conduit, or from any Cistern or other like Place containing Water belonging to the Undertakers, other than such as may have been provided for the gratuitous Use of the Public, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Ten Pounds.]

[The above s. 59 is repealed by the Statute Law Revision Act, 1875, so far as it relates to Special Acts with which the Waterworks Clauses Act, 1863, is incorporated.]

Penalty for destroying Valves, &c.

LX. Every Person who shall wilfully or carelessly break, injure, or open any Lock, Cock, Valve, Pipe, Work, or Engine belonging to the Undertakers, or shall flush or draw off the Water from the Reservoirs or other Works of the Undertakers, or shall do any other wilful Act whereby such Water shall be wasted, shall forfeit to the Undertakers for every such Offence a Sum not exceeding Five Pounds.

Fouling the Water.

And with respect to the Provision for guarding against fouling the Water of the Undertakers, be it enacted as follows:

Penalties for causing the Water of the Undertakers to be fouled, &c.

LXI. Every Person who shall commit any of the Offences next herein-after enumerated shall for every such Offence forfeit to the Undertakers a Sum not exceeding Five Pounds; (that is to say,)

Every Person who shall bathe in any Stream, Reservoir, Aqueduct, or other Waterworks belonging to the Undertakers, or wash, throw, or cause to enter therein any Dog or other Animal:

Every Person who shall throw any Rubbish, Dirt, Filth, or other noisome Thing into any such Stream, Reservoir, Aqueduct, or other Waterworks as aforesaid, or wash or cleanse therein any Cloth, Wool, Leather, or Skin of any Animal, or any Clothes or other Thing:

Every Person who shall cause the Water of any Sink, Sewer, or Drain, Steam Engine, Boiler, or other filthy Water belonging to him or under his Control, to run or be brought into any Stream, Reservoir, Aqueduct, or other Waterworks belonging to the Undertakers, or shall do any other Act whereby the Water of the Undertakers shall be fouled:

And every such Person shall forfeit a further Sum of Twenty Shillings for each Day (if more than One) that such last-mentioned Offence shall be continued.

Penalty for permitting Substances produced in making Gas to flow into the Undertakers Works.

LXII. Every Person making or supplying Gas within the Limits of the special Act who shall at any Time cause or suffer to be brought or to flow into any Stream, Reservoir, Aqueduct, or Waterworks belonging to the Undertakers, or into any Drain communicating therewith, any Washing or other Substance which shall be produced in making or supplying Gas, or who shall wilfully do any Act connected with the making or supplying of Gas whereby the Water in any such Stream, Reservoir, Aqueduct, or Waterworks shall be fouled, shall forfeit to the Undertakers for every such Offence the Sum of Two hundred Pounds; and such Penalty shall be recovered, with full Costs of Suit, in any of the Superior Courts; but such Penalty shall not be recoverable unless it be sued for during the Continuance of the Offence, or within Six Months after it has ceased.

Penalty to be sued for within Six Months.

Daily Penalty during the Continuance of the Offence.

LXIII. In addition to the said Penalty of Two Hundred Pounds, and whether such Penalty have been recovered or not, the Person making or supplying Gas as aforesaid shall forfeit to the Undertakers the Sum of Twenty Pounds, to be recovered in like Manner for each Day during which such Washing or Substance shall be brought or shall flow as aforesaid, or during which the Act shall continue by which such Water is fouled, after the Expiration in either Case of Twenty-four Hours from the Time when Notice of the Offence has been served on such Person by the Undertakers.

Penalty on Gas makers causing Water to be fouled.

LXIV. Whenever the Water supplied by the Undertakers shall be fouled by the Gas of any Person making or supplying Gas within the Limits of the special Act, such Person shall forfeit to the Undertakers for every such Offence a Sum not exceeding Twenty Pounds, and a further Sum not exceeding Ten Pounds for each Day during which the Offence shall continue after the expiration of Twenty-four Hours from the Service of Notice of such Offence.

Power to examine Gas Pipes, to ascertain Cause of Water being fouled.

LXV. For the Purpose of ascertaining whether the Water of the Undertakers be fouled by the Gas of any Person making or supplying Gas within the Limits of the special Act, the Undertakers may dig up the Ground, and examine the Pipes, Conduits, and Works of the Persons making or supplying Gas; provided that before proceeding so to dig and examine the Undertakers shall give Twenty-four Hours Notice in Writing to the Person so making or supplying Gas of the Time at which such digging and Examination is intended to take place, and

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they shall give the like Notice to the Persons having the Control or Management of the Pavements or Place where such digging shall take place, and they shall be subject to the like Obligation of reinstating the Road and Pavement, and to the same Penalties for Delay, or any Non-feasance or Misfeasance therein, as herein-before provided with respect to Roads and Pavements broken up by them for laying their Pipes.

The Expenses to abide the Result of the Examination.

LXVI. If upon such Examination it appear that such Water has been fouled by any Gas belonging to such Person, the Expenses of the digging, Examination, and Repair of the Street or Place disturbed in any such Examination shall be paid by the Person making or supplying Gas; but if upon such Examination it appear that the Water has not been fouled by the Gas of such Person, then the Undertakers shall pay all the Expenses of the Examination and Repair, and also make good to the said Person any Injury which may be occasioned to his Works by such Examination.

How Expense to be ascertained.

LXVII. The Amount of the Expences of every such Examination and Repair, and any Injury done to the Undertakers, shall, in case of any Dispute about the same, together with the Costs of ascertaining and recovering the same, be ascertained and recovered in the same Manner as Damages for the ascertaining and Recovery whereof no special Provision is made are directed to be ascertained and recovered.

Water Rates.

And with respect to the Payment and Recovery of the Water Rates, be it enacted as follows:

Rates to be payable according to the annual Value (*a*) of the Premises.

LXVIII. The Water Rates, except as herein-after and in the special Act mentioned, shall be paid by and be recoverable from the Person requiring, receiving, or using the Supply of Water, and shall be payable according to [the annual Value of the Tenement supplied with Water (*a*),] and if any Dispute arise as to such Value the same shall be determined by Two Justices.

Where several Houses supplied by one Pipe, each to pay.

LXIX. When several Houses or Parts of Houses in the separate Occupation of several Persons are supplied by one Common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses shall be liable to the Payment of the same Rates for the Supply of Water as they would have been liable to if each of such several Houses or Parts of Houses had been supplied with Water from the Works of the Undertakers by a separate Pipe.

(*a*) As to meaning of words within brackets within unions and parishes to which the Valuation of Property (Metropolis) Act, 1889, extends, see "Water Rate Definition Act, 1885," s. 1, p. 358.

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Rates to be paid quarterly.

LXX. The Rates shall be paid in advance by equal quarterly Payments, in England or Ireland, at Christmas Day, Lady Day, Midsummer Day, and Michaelmas Day, and in Scotland at Martinmas, Candlemas, Whitsuntide, and Lammas, and the first Payment shall be made at the Time when the Pipe by which the Water is supplied is made to communicate with the Pipes of the Undertakers, or at the Time when the Agreement to take Water from the Undertakers is made.

Parties giving Notice to discontinue use of Water, or removing, to pay to the next Quarter Day.

LXXI. The Occupier of any Dwelling House or Part of a Dwelling House liable to the Payment of any Water Rate, who shall give Notice of his Intention to discontinue the Use of the Water supplied by the Undertakers, or who shall remove from his Dwelling between any Two quarterly Days of Payment, shall pay the Water Rate in respect of such Dwelling House or Part of a Dwelling House for the Quarter ending on the quarterly Day of Payment next after his quitting the same or giving such Notice.

Owners of Houses not exceeding 10*l*. Rent to be liable to Water Rates.

LXXII. The Owners of all Dwelling Houses or Parts of Dwelling Houses occupied as separate Tenements, the annual Value of which Houses or Tenements shall not exceed the Sum of Ten Pounds, shall be liable to the Payment of the Rates instead of the Occupiers thereof; and the Powers and Provisions herein or in the special Act contained for the Recovery of Rates from Occupiers shall be construed to apply to the Owners of such Houses and Tenements; and the Person receiving the Rents of any such House or Tenement as aforesaid from the Occupier thereof, on his own Account, or as Agent or Receiver for any Person interested therein, shall be deemed the Owner of such House or Tenement.

Tenants under existing Leases to repay the Owner.

LXXIII. Provided always, That when any Owner shall pay any such Rate in respect of any such Dwelling House or Part of a Dwelling House which shall be in the Occupation of any Tenant under any Lease or Agreement made prior to the passing of the special Act, such Tenant shall repay to the Owner all Sums which shall be so by him paid during the Continuance of such Lease, unless it have been agreed that the Owner shall pay the Water Rates in respect of such Dwelling House or Part of a Dwelling House; and every such Sum of Money payable by the Tenant to the Owner, under the Provision hereinbefore contained, may be recovered, if the same be not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

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Rates how to be recovered.

LXXIV. If any Person supplied with Water by the Undertakers, or liable as herein or in the special Act provided to pay the Water Rate, Neglect to pay such Water Rate at any of the said Times of Payment thereof, the Undertakers may stop the Water from flowing into the Premises in respect of which such Rate is payable, by cutting off the Pipe to such Premises, or by such Means as the Undertakers shall think fit, and may recover the Rate due from such Person, if less than Twenty Pounds, with the Expenses of cutting off the Water, and Costs of Recovering the Rate, in the same Manner as any Damages for the Recovery of which no special Provision is made are recoverable by this or the special Act; or if the Rate so due amount to Twenty Pounds or upwards, the Undertakers may recover the same, with the Expenses of cutting off the Water, by Action in any Court of competent Jurisdiction.

[The above s. 74. is amended by the Water Companies (Regulation of Powers) Act, 1887, by the enactment that the water is not to be cut off where the Water Rate is payable by the owner. See that Act, ss. 4, 5, pp. 359, 360.

Profits of the Undertakers.

And with respect to the Amount of Profit to be received by the Undertakers when the Waterworks are carried on for their Benefit, be it enacted as follows:

Profits of the Company to be limited.

LXXV. The Profits of the Undertaking to be divided among the Undertakers in any Year shall not exceed the prescribed Rate, or where no Rate is prescribed they shall not exceed the Rate of Ten Pounds in the Hundred by the Year on the paid-up Capital in the Undertaking, which in such Case shall be deemed the prescribed Rate, unless a larger Dividend be at any Time necessary to make up the Deficiency of any previous Dividend which shall have fallen short of the said yearly Rate.

If Profits exceed the Amount limited, Excess to be invested and form a reserved Fund.

LXXVI. If the clear Profits of the Undertaking in any Year amount to a larger Sum than is sufficient, after making up the Deficiency in the Dividends of any previous Year as aforesaid, to make a Dividend at the prescribed Rate, the Excess beyond the Sum necessary for such Purpose shall from Time to Time be invested in Government or other Securities, and the Dividends and Interest arising from such securities shall also be invested in the same or like Securities, in order that the same may accumulate at Compound Interest until the Fund so formed amounts to the prescribed Sum, or if no Sum be prescribed to a Sum equal to One Tenth Part of the nominal Capital of the Undertakers, which Sum shall form a reserved Fund

to answer any Deficiency which may at any Time happen in the Amount of divisible Profits, or to meet any extraordinary Claim or Demand which may at any Time arise against the Undertakers; and if such Fund be at any Time reduced it may thereafter be again restored to the said Sum, and so from Time to Time as often as such Reduction shall happen.

Reserved Fund not to be resorted to unless to meet an extraordinary Claim.

LXXVII. Provided always, That no Sum of Money shall be taken from the said Fund for the Purpose of meeting any extraordinary Claim, unless it be first certified, in England or Ireland, by Two Justices, and in Scotland by the Sheriff, that the Sum so proposed to be taken is required for the Purpose of meeting an extraordinary Claim within the Meaning of this or the special Act.

When Fund amounts to prescribed Sum Interest to be applied to Purposes of the Undertaking.

LXXVIII. When such Fund shall, by Accumulation or otherwise, amount to the prescribed Sum, or One Tenth Part of the nominal Capital, as the Case may be, the Interest and Dividends thereon shall no longer be invested, but shall be applied to any of the general Purposes of the Undertaking to which the Profits thereof are applicable.

If Profits are less than the prescribed Rate, a Sum may be taken from reserved Fund to supply Deficiency.

LXXIX. If in any Year the Profits of the Undertaking divisible amongst the Undertakers shall not amount to the prescribed Rate, such a Sum may be taken from the reserved Fund as, with the actual divisible Profits of such Year, will enable the Undertakers to make a Dividend of the Amount aforesaid, and so from Time to Time as often as the Occasion shall require.

If Profits are more than the Amount prescribed a rateable Reduction to be made in the Price of Water.

LXXX. In England or Ireland the Court of Quarter Sessions, and in Scotland the Sheriff of such County, may, on the Petition of any Two Water-rate Payers within the Limits of the special Act, appoint some Accountant or other competent Person, not being a Proprietor of any Waterworks, to examine and ascertain, at the Expense of the Undertakers, the actual State and Condition of the Concerns of the Undertakers, and make report thereof to the said Court at the then present or some following Sessions, or to the Sheriff, (the Amount of such Expense to be determined by the said Court or Sheriff,) and the said Court or Sheriff may examine any Witnesses upon Oath touching the Truth of the said Accounts, and the Matters therein referred to; and if it thereupon appear to the said Court or Sheriff that the Profits of the Undertakers for the preceding Year have exceeded the prescribed Rate, the Undertakers shall, in case the whole of

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the said reserved Fund has been and then remains invested as aforesaid, and in case Dividends to the Amount herein-before limited have been paid, make such a rateable Reduction in the Rates for Water to be furnished by them as in the Judgment of the said Court or Sheriff shall be proper, but so as such Rates, when reduced, shall insure to the Undertakers, regard being had to the Amount of Profit before received, a Profit as near as may be to the prescribed Rate.

Court may order Petitioner to pay the costs of groundless Petition.

LXXXI. Provided always, That if, in the Case of any Petition so presented, it appear to the said Court or Sheriff that there was no sufficient Ground for presenting the same, the said Court or Sheriff may, if they or he think fit, order the Petitioner to pay the whole or any Part of the Costs of or incident to such Petition (the Amount thereof to be determined by the said Court or Sheriff), and the Costs so ordered to be paid shall be recoverable in the same Way as Damages are recoverable under this or the special Act.

Penalty on Undertakers refusing to produce Books, Vouchers, &c.

LXXXII. If the Undertakers shall, for Seven Days after being required to produce to the said Court or Sheriff, or to the said Accountant or other Person as aforesaid, any Books of Account or other Books, Bills, Receipts, Vouchers, or Papers relating to their pecuniary Affairs, refuse or neglect to produce such Books, Bills, Receipts, Vouchers, or Papers, they shall forfeit the Sum of One hundred Pounds for every such Refusal or wilful Neglect, and the further Sum of Ten Pounds for every Day during which such Refusal or wilful Neglect shall continue after the Expiration of the said Seven Days; such respective Penalties to be recovered by any Person who will sue for the same, with full Costs of Suit, in any of the Superior Courts.

Annual Account to be made up by Undertakers and sent to the Clerk of the Peace in England or Ireland, or to the Sheriff Clerk in Scotland, and to be open to Inspection.

LXXXIII. And with respect to the yearly Receipt and Expenditure of the Undertakers, be it enacted, That the Undertakers shall, in each Year after they have begun to supply Water under this or the special Act, cause an Account in abstract to be prepared of the whole Receipt and Expenditure of all Rates or other Monies levied under the Powers of this or the special Act for the Year preceding, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Account, duly audited and certified by the Chairman of the Undertakers, and also by the Auditors thereof, if any; and a Copy of such annual Account shall be sent, free of Charge, to the Clerk of the Peace for the County in which

the Waterworks are situated, if the Waterworks are situated in England or Ireland, and if the Waterworks are situated in Scotland, to the Sheriff Clerk of such County, on or before the Thirty-first Day of January in each Year, under the Penalty of Twenty Pounds for each Default; and the Copy of such Account so sent to the said Clerk shall be kept by him, and shall be open to Inspection by all Persons, at all seasonable Hours, on Payment of One Shilling for each Inspection.

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[LXXXIV. Tender of Amends. Repealed by Statute Law Revision Act, 1894.]

And with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices or to the Sheriff, be it enacted as follows:

Recovery of Damages and Penalties.

LXXXV. If the Waterworks be in England or Ireland, the Clauses of the Railways Clauses Consolidation Act, 1845, with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, shall be incorporated with this and the special Act, and if the Waterworks be in Scotland, the Clauses of the Railways Clauses Consolidation Act (Scotland), 1845, with respect to the Recovery of Damages not specially provided for, and to the Determination of any other Matter referred to the Sheriff or to Justices, shall be incorporated with this and the special Act, and such Clauses shall apply to the Waterworks and to the Undertakers respectively, and shall be construed as if the Word "Undertakers" had been inserted therein instead of the Word "Company."

Railways Clauses Consolidation Acts, 1845, as to Damages, &c. to be incorporated with this and the special Act.

[LXXXVI. As to payment of penalties in Ireland. Repealed by Statute Law Revision Act, 1875.]

LXXXVII. All Things herein or in the special Act, or any Act incorporated therewith, authorized or required to be done by Two Justices, may and shall be done, in England and Ireland, by any One Magistrate having by Law Authority to act alone for any Purpose with the Powers of Two or more Justices, and in Scotland by the Sheriff * * * (*a*) of any County, * * * (*a*) * * * (*b*), or his Substitute.

All things required to be done by Two Justices in England and Ireland may, in certain Cases, be done by One, and in Scotland by the Sheriff, &c.

[Words omitted from s. 87 repealed by Statute Law Revision Acts, viz.: (*a*) 1891, (*b*) 1894.]

LXXXVIII. Every Penalty or Forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any Bye Law in pursuance thereof, in respect of any

Penalties, &c. imposed in respect of Offences

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committed within the Metropolitan Police District, to be paid to the Receiver, and applied under 2 & 3 Vict., c. 71.

Offence which shall take place within the Metropolitan Police District, shall be recovered, enforced, accounted for, and, except where the Application thereof is otherwise specially provided for, shall be paid to the Receiver of the Metropolitan Police District, and shall be applied in the same Manner as Penalties or Forfeitures, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the Third Year of the Reign of Her present Majesty, intituled "An Act for regulating the Police Courts in the Metropolis;" and every Order or Conviction of any of the Police Magistrates in respect of any such Forfeiture or Penalty shall be subject to the like Appeal, and upon the same Terms, as is provided in respect of any Order or Conviction of any of the said Police Magistrates by the said last-mentioned Act; and every Magistrate by whom any Order or Conviction shall have been made shall have the same Power of binding over the Witnesses who shall have been examined, and such Witnesses shall be entitled to the same Allowance of Expenses, as they would have had or been entitled to in case the Order, Conviction, and Appeal had been made in pursuance of the Provisions of the said last-mentioned Act.

Persons giving false Evidence liable to Penalties of Perjury.

LXXXIX. Every Person who upon any Examination upon Oath under the Provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Access to special Act.

And with respect to Access to the special Act, be it enacted as follows:

Copies of special Act to be kept by Undertakers in their Office, and deposited with the Clerks of the Peace, &c., and be open to Inspection.

XC. The Undertakers shall at all Times after the Expiration of Six Months after the passing of the special Act keep in their principal Office of Business a Copy of the special Act, printed by the Printers to Her Majesty, or some of them, and shall also within the Space of such Six Months deposit in the Office of the Clerk of the Peace in England or Ireland, and of the Sheriff Clerk in Scotland, of the County in which the Undertaking is situated, a Copy of such special Act, so printed as aforesaid; and the said Clerk of the Peace and Sheriff Clerk shall receive, and they and the Undertakers respectively shall keep, the said Copies of the special Act, and shall allow all Persons interested therein to inspect the same, and make Extracts or Copies therefrom, in the like Manner,

and upon the like Terms, and under the like Penalty for Default, as is provided in the Case of certain Plans and Sections by an Act passed in the First Year of the Reign of Her Majesty, intituled "An Act to compel Clerks of the Peace for Counties and other Persons to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament." (*a*)

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7 W. 4. & 1 Vict. c. 83.

XCI. If the Undertakers fail to keep or deposit any of the said Copies of the special Act, as herein-before mentioned, they shall forfeit Twenty Pounds for every such Offence, and also Five Pounds for every Day afterwards during which such Copy shall be not so kept or deposited.

Penalty on Undertakers failing to keep or deposit such Copies.

XCII. And be it enacted, That nothing in this Act contained shall be deemed to exempt the Undertakers from the Provisions of an Act passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled "An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein (*b*) or from the Laws of Sewers for the Time being in force within Ten Miles from the Royal Exchange in the City of London.

Undertakers not exempt from the Provisions of 57 G. 3. c. xxix. (*b*) or from the Laws regulating Sewers.

XCIII. (*c*) Nothing herein or in the special Act contained shall be deemed to exempt the Undertakers from any general Act relating to Waterworks, or any Act for improving the Sanitary Condition of Towns and populous Districts, which may be passed in the same Session of Parliament in which the special Act is passed, or any future Session of Parliament.

Undertakers not exempt from Provisions of any future general Act.

[XCIV. Act may be amended, &c. Repealed by Statute Law Revision Act, 1875.]

(*a*) Short Title, "The Parliamentary Documents Deposit Act, 1837." See "Short Titles Act, 1896," s. 1.

(*b*) For such provisions, as to laying of pipes, see "Metropolitan Paving Act, 1817," pp. 1-10.

(*c*) Introductory words omitted repealed by Statute Law Revision Act, 1891.

10 & 11 Vict., Cap. 34.

TOWNS IMPROVEMENT CLAUSES ACT, 1847.

10 & 11 Vict., Cap. 34. An Act for consolidating in One Act certain Provisions usually contained in Acts for paving, draining, cleansing, lighting, and improving Towns. (*a*) [21st June 1847.]

[Preamble and introductory words to s. 1 repealed by Statute Law Revision Act, 1891.]

Extent of Act.

[I.] This Act shall extend only to such Towns or Districts in England or Ireland as shall be comprised in any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith; and all the Clauses of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the Town or District which shall be comprised in such Act, and to the Commissioners appointed for improving and regulating the same, so far as such Clauses shall be applicable thereto respectively, and shall, with the Clauses of every other Act which shall be incorporated therewith, form Part of such Act, and be construed therewith as forming One Act.

Interpretations in this Act:

And with respect to the Construction of this Act, whether incorporated in whole or in part with any other Act, and of any Act incorporated therewith, be it enacted as follows:

"the Special Act:"

II. The Expression "the Special Act" used in this Act shall be construed to mean any Act which shall be hereafter passed for the Improvement or Regulation of any Town or District, or of any Class of Towns or Districts defined or comprised therein, and with which this Act shall be incorporated; and the Word "prescribed" used in this Act in reference to any Matter herein stated shall be construed to refer to such Matter as the same shall be prescribed or provided for in the Special Act, and the Sentence in which such Word shall occur shall be construed as if, instead of the Word "prescribed" the Expression "prescribed for that Purpose in the Special Act" had been used; and the Expression

"prescribed:"

(*a*) Short Title, "The Towns Improvement Clauses Act, 1847." See s. 4.

10 & 11 Vict., Cap. 34.

"the Commissioners" shall mean the Commissioners, Trustees, or other Persons or Body Corporate intrusted by the Special Act with Powers for executing the Purposes thereof.

"the Commissioners."

III. The following Words and Expressions in both this and the Special Act, and any Act incorporated therewith, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretations in this and the Special Act:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number: Words importing the Masculine Gender shall include Females:

Number:

Gender:

The Word "Person" shall include a Corporation whether aggregate or sole: * * * The Word "Street" shall extend to and include any Road, Square, Court, Alley, and Thoroughfare within the Limits of the Special Act: * * * The Word "Owner," used with reference to any Lands or Buildings in respect of which any Work is required to be done, or any Rate to be paid, under this or the Special Act, shall mean the Person for the Time being entitled to receive, or who, if such Lands or Buildings were let to a Tenant at Rackrent, would be entitled to receive the Rackrent from the Occupier thereof:

"Person:"

"Street:"

"Owner:"

Short Title of this Act.

IV. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be enough to use the Expression "The Towns Improvement Clauses Act, 1847."

* * *

Situation of Gas and Water Pipes to be altered at the Expense of the Commissioners.

LXI. For the Purposes of this or the special Act, if the Commissioners deem it necessary to raise, sink, or otherwise alter the Situation of any Water Pipe or Gas Pipe, or other Waterworks or Gasworks laid in any of the Streets, they may from Time to Time, by Notice in Writing, require the Person to whom any such Pipes or Works belong, to cause forthwith, as soon as conveniently may be, any such Pipes or Works to be raised, sunk, or otherwise altered in Position in such Manner as the Commissioners direct; provided that such Alteration be not such as permanently to injure such Works, or to prevent the Water or Gas from flowing as freely and conveniently as before; and the Expenses attending such raising, sinking, or altering, and full Compensation for every Damage done thereby, shall be paid by the Commissioners, as well to the Persons to whom such Pipes or Works belong as to all other Persons.

10 & 11 Vict., Cap. 34.

If Gas or Water Company neglect to make the Alteration, the Commissioners may cause the same to be done.

LXII. If the Person to whom any such Pipes or Works belong do not proceed forthwith, or as soon as conveniently may be after the Receipt of such Notice, to cause the same to be raised, sunk, or altered, in such Manner as the Commissioners require, the Commissioners may themselves cause such Pipes or Works to be raised, sunk, or altered as they think fit; provided that such Works be not permanently injured thereby, or the Water or Gas prevented from flowing as freely and conveniently as before.

* * *

Lighting.

And with respect to lighting the Town or District, be it enacted as follows:

Commissioners may contract for lighting the Streets.

CXIX. The Commissioners may contract for the prescribed Period or (where no Period shall be prescribed) for any Period not exceeding Three Years at any One Time, with the Owners of any Gasworks, or with any other Person, for the Supply of such Gas or Oil or other Means of lighting, and may provide such Lamps, Lamp Posts, and other Works as the Commissioners think necessary for lighting such Streets.

For ascertaining Price to be paid for Gas in case of Dispute.

CXX. If the Commissioners, and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Limits of the Special Act, and with whom the Commissioners may be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration; and for that Purpose the Clauses of the Lands Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this and the Special Act.

Water.

And with respect to the Supply of Water, be it enacted as follows:

Power to Commissioners to construct Public Cisterns and Pumps for Supply of Water to Baths and Washhouses.

CXXI. The Commissioners shall cause all existing public Cisterns, Pumps, Wells, Conduits, and other Waterworks used for the gratuitous Supply of Water to the Inhabitants within the Limits of the Special Act, to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water; and such public Cisterns and other Works shall be vested in the Commissioners, and be under their Management and Control; and the Commissioners may construct any Number of new Cisterns, Pumps, Conduits, and other Waterworks, for the gratuitous Use of any Persons who choose to carry the same away, not for Sale, but for their own private Use, and may supply with Water any

public Baths or Wash-houses; provided that the Commissioners shall not construct any such new Works without the prescribed Approval, or, if no Approval be prescribed, without the Approval of the Commissioners of Her Majesty's Woods and Forests, Land Revenues, Works, and Buildings; and before giving their Approval to the Construction of any such new Works the last-mentioned Commissioners shall cause a local Inquiry to be made in the Manner prescribed by an Act of the last Session of Parliament, intituled "An Act for making preliminary Inquiries in certain Cases of Application for Local Acts," and shall withhold their Inquiry if upon such Inquiry they shall be satisfied that an equally good and abundant Supply of Water for such public Purposes can be procured as cheaply by any other Means than by the Construction of such new Works.

Commissioners not to construct such new Works without Approval.

9 & 10 Vict. c. 106.

CXXII. The Commissioners may contract for the prescribed Period, or (where no Period shall be prescribed) for any Period not exceeding Three Years at One Time, with the Owners of any Waterworks or any other Person for such Supply of Water as the Commissioners shall think necessary for the Purposes of this or the Special Act.

Commissioners may contract for Supply of Water.

CXXIII. If the Commissioners, and the Owners of any Waterworks authorized by Act of Parliament to supply Water within the Limits of the Special Act, with whom the Commissioners may be desirous of contracting, do not agree as to the Price to be paid for such Supply, then such Price (except where by the Act authorizing such Waterworks some other Mode of determining such Price shall be provided) shall be settled by Arbitration, and for that Purpose the Clauses of the Lands Clauses Consolidation Act, 1845, with respect to the Settlement of Disputes by Arbitration, shall be incorporated with this and the Special Act.

For ascertaining Price to be paid for Water in case of Dispute.

CXXIV. The Commissioners shall cause Fireplugs, and all necessary Works, Machinery, and Assistance for securing an efficient Supply of Water in cases of Fire, to be provided and maintained, and for this Purpose they may enter into any Agreement with any Water Company or other Party, and they shall paint or mark on the Buildings and Walls within the Streets Words or Marks near to such Fireplugs to denote the Situation thereof, and do such other Things for the Purposes aforesaid as they may from Time to Time deem expedient.

Commissioners to cause Fireplugs, &c. to be provided and maintained.

* * *

[CCX., CCXII. and CCXIII. Recovery of Damages and Penalties. S. 211 repealed by Statute Law Revision Act, 1875.]

* * *

10 & 11 Vict., Cap. 65.

CEMETERIES CLAUSES ACT, 1847.

10 & 11 Vict., Cap. 65. An Act for consolidating in One Act certain Provisions usually contained in Acts authorizing the making of Cemeteries. (*a*)

[9th July 1847.]

[Preamble and introductory words to s. 1 repealed by Statute Law Revision Act, 1891.]

Extent of Act.

[I.] This Act shall extend only to such Cemeteries as shall be authorized by any Act of Parliament hereafter to be passed which shall declare that this Act shall be incorporated therewith, and all the Clauses of this Act, save so far as they shall be expressly varied or excepted in any such Act, shall apply to the Cemetery authorized thereby, so far as they are applicable to such Cemetery, and shall, with the Clauses of every other Act incorporated therewith, form Part of such Act, and be construed therewith as forming One Act.

Interpretations in this Act.

And with respect to the Construction of this Act and any Act incorporated therewith, be it enacted as follows:

"Company."

II. * * * The Expression "the Company" shall mean the Persons by the special Act authorized to construct the Cemetery.

III. The following Words and Expressions in both this and the special Act, and any Act incorporated therewith, shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number:

* * *

"Person:"

The Word "Person" shall include a Corporation, whether aggregate or sole:

* * *

(*a*) Short Title, "The Cemeteries Clauses Act, 1847." See s. 4.

10 & 11 Vict., Cap. 65.

The Expression "the Cemetery" shall mean the Cemetery or Burial Ground, and the Works connected therewith, by the special Act authorized to be constructed:

"the Cemetery:"

* * *

"Superior Courts:"

The Expression "Superior Courts" shall mean Her Majesty's Superior Courts at Westminster or Dublin, as the Case may require. * * *

[Remainder of definition repealed by Statute Law Revision Act, 1891.]

* * *

Short Title of this Act.

IV. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Cemeteries Clauses Act, 1847."

* * *

Penalty for allowing Water to be fouled.

XX. If the Company at any Time cause or suffer to be brought or to flow into any Stream, Canal, Reservoir, Aqueduct, Pond, or Watering Place, any offensive Matter from the Cemetery, whereby the Water therein shall be fouled, they shall forfeit for every such Offence the Sum of Fifty Pounds.

Penalty to be sued for within Six Months.

XXI. The said Penalty, with full Costs of Suit, may be recovered by any Person having Right to use the Water fouled by such offensive Matter, in any of the Superior Courts, by Action of Debt or on the Case: Provided always, that the said Penalty shall not be recoverable unless the same be sued for during the Continuance of the Offence, or within Six Months after it has ceased.

In addition to Penalty of 50*l.*, a daily Penalty during the Continuance of the Offence.

XXII. In addition to the said Penalty of Fifty Pounds (and whether such Penalty is recovered or not), any Person having Right to use the Water fouled by such offensive Matter may sue the Company in an Action on the Case in any Court of competent Jurisdiction for any Damage specially sustained by him by reason of the Water being so fouled; or if no special Damage be alleged, for the Sum of Ten Pounds for each Day during which such offensive Matter is brought or flows as aforesaid after the Expiration of Twenty-four Hours from the Time when Notice of the Offence is served on the Company by such Person.

* * *

[LXII., LXIV., LXV. Recovery of Damages and Penalties. S. 63 repealed by Statute Law Revision Act, 1875.]

* * *

11 & 12 Vict., Cap. 163.

CITY OF LONDON SEWERS ACT, 1848.

11 & 12 Vict., Cap. 163. An Act to provide for the Sanatory Improvement of the City of London and the Liberties thereof, and for the better cleansing, sewering, paving, and lighting the same. [5th September 1848.]

* * *

Short Title of Act.

IV. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The City of London Sewers Act, 1848."

Sole Power of cleansing, lighting, and paving the City vested in the Commissioners of Sewers. (*a*)

V. From and after the Commencement of this Act the sole Power of ordering, designing, making, enlarging, widening, deepening, raising, altering, removing, repairing, cleansing, and scouring of all Common Sewers, Drains, and Vaults, and of paving, cleansing, lighting, and improving the several Streets within the City, shall be and the same is hereby vested in the Mayor and Commonalty and Citizens of the City of London. * * *

[Remainder of section 5 (as to execution of powers of Act by Commissioners of Sewers) repealed by City of London Sewers Act, 1897, s. 4, p. 469.]

* * *

Water Companies to supply Water for public Purposes, if required.

LV. Every present and future Water Company having any Mains or Pipes within the City shall, if they shall be required by the Commissioners so to do, furnish to the Commissioners (*a*) a sufficient Supply of Water for flushing, scouring, and cleansing the Sewers and Drains, and for supplying Tanks for those Purposes, which for the Time being shall be vested in or be under the Survey and Control of the Commissioners (*a*), and for watering the Streets, and for cleansing and washing the Pavements thereof, and for flushing and cleansing Courts, Passages, and public Places, and for supplying any public Cisterns, Pumps, and Conduits, and any public Baths and Washhouses that may be established for the Use of the poorer

(*a*) Now Common Council of City of London. See City of London Sewers Act, 1897, s. 7, p. 470.

Classes, in such Quantities, and at such Times, and in such Places, and upon such Terms, and upon the Payment of such Remuneration as shall be agreed upon between the Commissioners (*a*) and such Company; and in case of Disagreement such Remuneration shall be fixed by Two Justices, upon the Application of the Commissioners (*a*): Provided always, that if such Company shall at any Time, in consequence of a Deficiency of Water, or the unavoidable Stoppage or Suspension of their Works, be unable to supply the Commissioners (*a*) with Water for the above Purposes, without Prejudice or Hindrance to the regular and sufficient Supply for the domestic Use of the Persons supplied by them with Water, then the Obligation to supply the Commissioners (*a*) with Water as aforesaid shall cease, so long as any of the said Clauses shall exist. 11 & 12 Vict., Cap. 163.

LVI. If such Company shall at any Time refuse or neglect, upon being required by the Commissioners (*a*) so to do, to furnish to the Commissioners (*a*) a sufficient Supply of Water for the Purposes aforesaid, such Company shall forfeit and pay the Sum of Fifty Pounds for each and every Day during which they shall refuse or neglect to furnish such sufficient Supply of Water, after Notice in Writing shall have been given to the Company by the Commissioners (*a*) of such Supply being insufficient; but no Penalty shall be payable by such Company if the Failure or Insufficiency of such Supply shall arise from Frost, Drought, or other unavoidable Cause or Accident. Penalty on Water Company not furnishing a sufficient Supply of Water.

* * *

LXXVI. If any Gas Company, or Person making, manufacturing, or supplying Gas, shall at any Time empty, drain, or convey, or permit or suffer to be emptied, drained, or conveyed, or to run or flow, any Washings, or foul or waste Water, or any noisome or offensive Liquid, Substance, or Thing which may arise or be produced in the making of Gas, into any public Sewer or Drain, every Gas Company or Person so offending shall forfeit and pay the Sum of Two hundred Pounds for each and every Day during which any such Washing, or foul or waste Water, or other noisome or offensive Liquid, Substance, or Thing, shall be permitted or suffered to flow into any public Sewer or Drain. No Gas Company or other Person to permit Washings, &c. to flow into any Sewer.

* * *

(*a*) Now Common Council. See note (*a*), p. 90.

11 & 12 Vict., Cap. 163.

Lamps, &c. vested in the Commissioners (*a*).

CXV. All the public Lamps and Lamp Posts, and Lamp Irons and Fittings, which at the Time of the Commencement of this Act or hereafter shall be within the City, shall be and the same are hereby vested in the Commissioners (*a*).

Regulations for lighting Streets.

CXVI. And for the better lighting the Streets, it shall be lawful for the Commissioners (*a*) from Time to Time to enter into Contracts with such Gas Companies and other Persons as they may think fit, to supply Gas, or to light the City by any other Mode, and to cause such and so many Lamps to be set up in such Places within the City in such Manner as they shall judge necessary and proper, and the Commissioners (*a*) shall order and direct at what Time the Lights within the same shall be lighted, and how long they shall continue lighted, and shall from Time to Time give such other Orders and Directions in the Premises, and shall set such Fines for Neglect or Nonperformance of Contract, as they shall think needful for the well and sufficient lighting the City.

Penalty for wilfully damaging, &c. of Lamps.

CXVII. If any Person shall wilfully take away, break, or throw down or damage any Lamp that now is or hereafter shall be set up for lighting any of the Streets, or wilfully extinguish the Light within the same, or damage the Iron or other Furniture thereof, it shall and may be lawful to and for any Person whosoever who shall see such Offence committed to seize, as also for any other Person to assist in seizing, the Offender, and by Authority of this Act, and without any other Warrant, to convey him, or to deliver him into the Custody of a Police Officer in order to be secured and conveyed, before some Justice; and if the Party accused shall be convicted of such Offence he shall forfeit and pay the Sum of Forty Shillings for each Lamp so broken, thrown down, or damaged, or for every Light so extinguished, or for the Iron or other Furniture thereof so damaged as aforesaid.

Persons carelessly or accidentally breaking or damaging Lamps, &c. to make Satisfaction.

CXVIII. In case any Person shall carelessly or accidentally break, throw down, or damage any of the said Lamps so set up or hereafter to be set up as aforesaid, or the Iron or other Furniture thereof, and shall not immediately upon Demand make Satisfaction for the Damage done thereto, then and in every such Case it shall be lawful for any Justice, upon Complaint to him made by any One credible Person, to summon before him the Party who shall be complained of for doing such Damage,

(*a*) Now Common Council. See note (*a*), p. 90.

and upon hearing the Allegations and Proofs upon Oath touching the same, or upon the Nonappearance of the Party so complained of and summoned, to award such Sum of Money by way of Satisfaction for such Damage as such Justice shall think reasonable; and in case of Refusal or Neglect of the said Party to pay the Sum of Money so awarded, within Three Days next after Demand thereof, to cause the same to be levied by Distress and Sale of his Goods or Chattels, the Surplus (if any) arising by such Distress and Sale to be paid to him. 11 & 12 Vict., Cap. 163.

CXIX. The Property of the Pavements and other Materials as well in the Carriageways as Footways of the Streets, and all Erections and Buildings, and all Materials, Implements, and Things relating to or used or to be used in or about the making or repairing thereof, shall, subject to the Provisions herein-after contained, be and the same are hereby vested in the Commissioners (*a*). Property of the Pavements vested in the Commissioners (*a*).

CXX. It shall be lawful for the Commissioners (*a*) from Time to Time to cause all or any of the Streets within the City or any Part thereof respectively to be paved or repaired, when and as often and in such Form and Manner and with such Materials as the Commissioners (*a*) shall think fit, and to cause the Ground or Soil thereof to be raised or lowered, and the Course of the Channels running in, into, or through the same to be turned or altered, in such Manner as they shall think proper, and all such Mains and Pipes as now lie or hereafter shall be laid underground to be taken up, and new laid in such Places, Manner, and Form as they shall judge best. Regulations for paving Streets.

* * *

CXXXIII. No Company or Person shall take up the Pavement or otherwise disturb the Surface of any Street, for the Purpose of laying down, altering, or removing any Pipe, or for any other Purpose whatsoever, without the previous Consent in Writing of the Commissioners, (*a*) under the Hand of the Clerk, every such Consent to state the Name of the Street in which the Pavement is permitted to be taken up, and the Number of Square Feet of Pavement which may be removed or disturbed; and if any Company or Person shall take up or disturb the Pavement or Surface of any Street without previous Consent as aforesaid, or shall take up or disturb a greater Number of Pavement not to be taken up without consent of Commissioners (*a*).

(*a*) Now Common Council. See note (*a*), p. 90.

11 & 12 Vict., Cap. 163.

Square Feet of Pavement or Surface than shall be permitted by such Consent, every Company or Person so offending shall forfeit and pay the Sum of Forty Shillings for every Square Foot of Pavement which shall be so taken up or disturbed.

Notice to be given by Companies, &c. previously to laying down or altering Line of Pipes.

CXXXIV. If any Company or Person shall be desirous of laying down in any Street any new Line of Main Pipes, for Water, Gas, or other Purposes, or of altering the Pipes or the Line of any existing Main in any Street, they or he shall give at least Three Months Notice in Writing to the Commissioners (*a*) of such Desire, and shall state in such Notice the Name of the Street and the particular Part thereof in which such Line of Main Pipe is intended to be laid down, and the Material and Diameter of such Pipes, and the Day on which the Work is proposed to be commenced, and the Time within which it will be completed.

Streets not to be broken up, except under Superintendence of Commissioners (*a*).

CXXXV. Whenever it shall be necessary, from any Cause whatever, for any Company or Person to break up or open the Pavement, Surface, or Soil of any Street, such Street, and the Pavement, Surface, and Soil thereof, shall be broken up and opened, under the Superintendence of the Commissioners (*a*) at such Time and in such Manner as they shall direct.

Streets broken up to be reinstated without Delay.

CXXXVI. When the permanent Surface or Soil of any Street shall be broken up or opened by any Company or Person, they or he shall with all convenient Speed complete the Work on account of which the same shall be broken up or opened, and fill in the Ground and make good the Pavement or Surface or Soil so broken up or opened, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Surface or Soil shall be so broken up or opened to be fenced and guarded, and shall set up and maintain upon or against the Part of the Pavement, Surface, or Soil so broken up or opened a sufficient Light during every Night that such Pavement or Surface or Soil shall be continued open or broken up.

Power to Commissioners (*a*) to execute Works and charge the Expenses to the Parties.

CXXXVII. Provided always, That whenever the permanent Surface or Soil of any Street shall be broken up or opened, it shall be lawful for the Commissioners (*a*), in case they shall think it expedient so to do, to fill in the Ground and to make good the Pavement or Surface or

(*a*) Now Common Council. See note (*a*), p. 90.

Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company or Person by whom such Surface or Soil shall have been broken up or opened; and the Costs and Expenses of filling in such Ground, and of making good the Pavement or Soil so broken up or opened, shall be repaid, on Demand, to the Commissioners (*a*), by such Company or Person, and in default thereof shall be recovered by the Commissioners (*a*) from such Company or Person in the Manner hereinafter mentioned. 11 & 12 Vict., Cap. 163.

Penalty on Persons taking up Pavements neglecting to reinstate them, and to place Lights during the Night-time to prevent Accidents.

CXXXVIII. If any Company or Person authorized to take up any of the Pavements of any Street, for the Purpose of laying, altering, or repairing any Gas, Water, or other Pipe, or other lawful Cause, shall not with due Diligence cause the Ground to be filled in and the Pavement to be reinstated, and the Surface to be made good in a proper and substantial Manner, and shall not in the meantime fence and guard the same, and affix and maintain Lights during the Night near to the Places where any Ground shall be open, so as to prevent any Accident, every such Company or other Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and it shall be lawful for the Commissioners (*a*) to fill in such Ground, and to remove such Rubbish, and to repair and make good the Pavement of any such Street so broken up, and properly to fence or guard any such Excavation, and to place and maintain Lights during the Night to prevent Accidents, as to them shall seem necessary; and the reasonable Costs and Charges thereof shall be paid by the said Company or Person to the Treasurer of the Commissioners (*a*), and in default of Payment thereof the Amount thereof shall be recovered from any such Company or Person as any Penalty is recoverable under this Act: Provided always, that such Pavement shall not be considered to have been reinstated in a proper and substantial Manner by such Company or any other Person having Authority to take up the same unless the same shall have been reinstated with the same or similar Materials of the like Quality and Thickness, and cemented and bound together in the same or in an equally substantial Manner as those of which it was composed, in such Manner as shall be satisfactory to the Commissioners (*a*).

Commissioners (*a*)

CXXXIX. And for the more speedily and effectually repairing and relaying the Pavements of any Street which

(*a*) Now Common Council. See note (*a*), p. 90.

11 & 12 Vict., Cap. 163.

shall at any Time hereafter happen to be sunk, broken, injured, or damaged by reason or means of the breaking, bursting, or Want of Repair of any Pipe belonging to any Water or Gas or other Company, and laid beneath the Surface of such Pavement, or of relaying or repairing any such Pavement which shall be broken or taken up for the Purpose of repairing or amending any such Pipe, it shall be lawful for the Commissioners (*a*), if they shall deem it proper and expedient so to do, to cause Notice to be given to the Water or Gas or other Company to whom such Pipe shall be supposed to belong forthwith well and sufficiently to repair and make good such Pavement; and if any Water or Gas or other Company to whom such Notice shall be given shall not within Twenty-four Hours next after such Notice so given them as aforesaid take up such Pavement, and well and sufficiently repair and amend such Pipe, and cause the Ground to be well and sufficiently filled in and rammed down, and the said Pavement to be relaid and repaired, to the Satisfaction of the Commissioners (*a*), then such Water or Gas or other Company so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

to direct Pavements injured by Water or Gas Pipes to be repaired by them.

Penalty for Refusal.

Company opening the Ground to repair a Pipe which shall be discovered to belong to another Company, to give Notice to such Company, and to be reimbursed Expenses.

CXL. In case it shall happen, or it shall be discovered, after any Pavement in any Street shall have been taken up by any Water or Gas or other Company, and the Ground shall have been opened, that the Pipe beneath the Surface of such Pavement required to be repaired and amended shall not belong to the Water or Gas or other Company to whom such Notice shall be given as aforesaid, but to some other Water or Gas or other Company, then such first-mentioned Water or Gas or other Company to whom such Notice shall have been so given as aforesaid shall, within Twenty-four Hours after such Discovery, cause a Copy of such Notice to be in like Manner given to the Water or Gas or other Company to whom such Pipe shall be discovered to belong, and require them to obey, conform to, and comply with the original Notice, instead of the Company to whom such original Notice shall have been given as aforesaid; and such other Company to whom such last-mentioned Notice shall have been given as aforesaid shall reimburse and pay, on Demand, to the first-mentioned Company the reasonable Costs and Charges incurred in and about the taking up of the Pavement and opening the Ground; and the said last-mentioned Company shall obey, conform to, and comply with

(*a*) Now Common Council. See note (*a*), p. 90.

the said original Notice, and execute and perform the Work mentioned therein, in such and the same Manner, and within such and the same Time, in all respects, as if the said original Notice had been given to such last-mentioned Company, and they shall be liable to and shall incur the same Penalties and Forfeitures, on Neglect so to do, as they would have incurred and been liable to if the said original Notice had been given to them in manner before directed with respect to such first-mentioned Company; and if the Company by whom such Pavement shall have been first taken up, and who shall have opened the Ground, shall neglect to give the Notice hereby required to the Company to whom such Pipe shall actually belong, such Company so neglecting or offending shall for every such Neglect and Offence forfeit and pay any Sum not exceeding Twenty Pounds.

11 & 12 Vict., Cap. 163.

Penalty on Persons altering Pavements without the consent of the Commissioners (*a*).

CXLI. If any Company or Person shall displace, take up, or make any Alteration in the Pavement of any Foot or Carriage Way in any Street within the City, without in Consent in Writing of the Commissioners (*a*), or shall cause any Obstruction in any Street, every such Company or Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds; and in case the Person so displacing, taking up, or making or altering any such Pavement without such Consent as aforesaid, or causing any such Obstruction as aforesaid, shall not, within Twenty-four Hours after Notice in Writing by the Surveyor of the Commissioners (*a*), cause the said Pavement which shall have been so displaced, taken up, or altered to be reinstated and put into its former State, or such Obstruction to be removed, then and in any such Case the Commissioners (*a*) may cause the same to be done, and the Costs and Charges thereof shall be paid by the Company or Persons who shall have displaced, taken up, or altered such Pavement, or have made or occasioned such Obstruction.

Justices to settle Disputes as to Reinstatement of Pavement.

CXLII. If any Question shall arise between any Company or Person and the Commissioners (*a*) relative to the proper Reinstatement or sufficient or insufficient Repair of any Pavement, under the Provisions of this Act, it shall be lawful for any Justice, upon Complaint before him, to summon the Clerk or Engineer or other Officer of the Company or Person, and of the Commissioners (*a*) respectively, and to hear and determine the Matter in a summary Way, and to award and adjudge such Sum of

(*a*) Now Common Council. See note (*a*), p. 90.

11 & 12 Vict., Cap. 163.

Money by way of Damage against such Company or Person, together with such Costs and Charges, as to such Justice shall seem proper, and the Amount of such Damages so awarded and adjudged shall be recovered from such Company or Person by Distress and Sale of the Goods and Chattels of the said Company or Person, in the same Manner as any Penalty is recoverable under this Act: Provided always, that it shall not be competent for any Justice to hear and determine any such Question as aforesaid unless Twenty-four Hours Notice shall have been given by the complaining Party to the other Party of the intended Application to such Justice, with the Grounds of such Complaint.

Power for Commissioners (*a*) to contract with Company for restoring Pavements.

CXLIII. It shall be lawful for the Commissioners (*a*) to contract and agree, for any Term of Years or otherwise, with the several Companies or Persons authorized to take up any of the Pavements or other formed Surface of any of the Streets within the City, for the filling in, paving, and restoring of such Parts of the said Streets as shall be from Time to Time required to be taken up for the Purpose of laying, altering, or repairing any Pipes or other like Purpose.

* * *

Regulations for watering the Streets.

CXLVII. The Commissioners (*a*) shall have full Power and Authority to cause the Streets to be watered as often as they shall think fit, and also to cause any Wells to be dug and sunk in such Places as they shall think proper, and also to erect and fix any Pumps in any public Places, for the more effectual Supply of Water to the Inhabitants of the City.

* * *

Names of Inspectors to be painted on their doors.

CLI. Any Person appointed an Inspector of Pavements, or to be appointed from Time to Time by the Commissioners (*a*) to act as an Inspector of Pavements within the City, shall reside within the District to which he is appointed, and shall and he is hereby required, within Fourteen Days after the Commencement of this Act, or within Seven Days next after his Appointment, (as the Case may be,) to cause to be painted in Oil Colours in a conspicuous Manner on the Door of his Dwelling House or Office his Christian and Surname, and the Title of his Office, and the Name of the District or Place to which he shall be appointed, and such Inscriptions shall be painted in Roman Letters at least One Inch in Height

(*a*) Now Common Council. See note (*a*), p. 90.

and of a corresponding Width; and such Inscriptions shall be renewed or repaired and repainted as often as Occasion shall require; and if any Person appointed or to be appointed Inspector as aforesaid shall refuse or neglect to cause such Inscription to be painted, or to be renewed when necessary, he shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds. 11 & 12 Vict., Cap. 163.

* * *

CCXXXI. Any Summons, Notice, Writ, or other Proceeding at Law or in Equity required to be served upon the Commissioners (*a*) may lawfully be served by delivering the same personally to the Clerk, or by leaving the same at the Office of the Commissioners (*a*). Service of Notice on Commissioners (*a*).

CCXXXII. Any Notice which by this Act, or by any Act incorporated herewith, may be required to be given to any Person, may lawfully be served by delivering the same to such Person, or by delivering the same to his Wife or Servant, or any Inmate, at his usual Place of Residence or Business, or in case such Place is not known, by affixing or leaving the same on or at his last known Place of Residence or Business. Service of Notice on other Persons.

CCXXXIII. Every Summons, Demand, or Notice, or other like Document given under the Provisions of this Act, may be in Writing or Print, or partly in Writing and partly in Print, and shall be sufficiently authenticated if signed by the Clerk. Authentication of Notices.

* * *

[CCXXXV. Tender of Amends.]

CCXXXVI. In all Cases where the Amount of any Damages, Costs, or Expenses is by this Act directed to be ascertained or recovered in a summary Manner, or any Damages, Costs, or Expenses are by this Act directed to be paid, and the Method of ascertaining the Amount or enforcing the Payment thereof is not provided for, such Amount, in case of Dispute, shall be ascertained and determined by any Justice; and if the Amount so ascertained be not paid by the Commissioners (*a*) or other Party liable to pay the same within Seven Days after Demand, the Amount may be recovered by Distress of the Goods of the Commissioners (*a*) or other Party liable as aforesaid, and any Justice, on Application, shall issue his Warrant accordingly. Provision for Damages not otherwise provided for.

* * *

(*a*) Now Common Council. See note (*a*), p. 90.

11 & 12 Vict., Cap. 163.

Publication of Penalties.

CCXL. The Commissioners (*a*) shall publish the short Particulars of the several Offences for which any Penalty is imposed by this Act, or by any Rule or Regulation of the Commissioners (*a*), affecting other Persons than the Officers or Servants of the Commissioners (*a*), and of the Amount of every such Penalty, and shall cause such Particulars to be painted on a Board, or printed upon Paper pasted thereon, and shall cause such Board to be hung up or affixed in some conspicuous Place in the Office of the Commissioners (*a*), and where any such Penalties are of local Application shall cause such Boards or Papers to be affixed in some conspicuous Place in the immediate Neighbourhood to which such Penalties are applicable or have reference, and which Particulars shall be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and no such Penalty shall be recoverable unless it shall have been published and kept published in the Manner herein-before required.

Penalty for defacing Boards used for such Publications.

CCXLI. If any Person shall pull down or injure any Board put up or required by this Act for the Purpose of publishing any Rule or Regulation or Penalty, or shall obliterate any of the Letters or Figures thereon, he shall forfeit for every such Offence a Sum not exceeding Five Pounds, and shall defray the Expenses attending the Restoration of such Board.

[CCXLII.—CCLV. Recovery and Application of penalties.]

* * *

Interpretation of Act:

CCLXII. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Number:

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number: Words importing the Masculine Gender only shall include Females: The Word "Month" shall mean Calendar Month: The Word "Person" shall include Corporations, whether aggregate or sole: The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of any other Person exempted by Law from the Necessity of taking an Oath; and the Power of administering

Gender:
"Month:"
"Person:"

"Oath:"

(*a*) Now Common Council. See note (*a*), p. 90.

Oaths shall include the Power of taking Affirmations: 11 & 12 Vict., Cap. 163.

The Word "City" shall mean the City of London and the Liberties thereof, and shall include such Parts of Holborn, the Minories, and Aldersgate Street as are or have been usually treated as being within the Liberties of the City, and the Courts and Alleys leading into the same or communicating therewith, and also the North Side of Eldon Street, formerly called Broker Row, Moorfields, and the Courts and Alleys leading into the same or communicating therewith, and all Precincts and Places within the City of London or the Liberties thereof: * * * "City:"

The Expression "the Commissioners" (*a*) shall mean the Commissioners of Sewers of the City of London: * * * "Commissioners:"

The word "Clerk" shall mean the principal Clerk for the time being of the Commissioners (*a*): "Clerk:"

The Words "Permission of the Commissioners" (*a*), or "Consent of the Commissioners" (*a*), or "Licence of the Commissioners" (*a*), shall respectively mean Permission, Consent, or Licence in Writing, signed by the Clerk, or by such other Person as the Commissioners (*a*) shall from Time to Time authorize to give or grant such Permission, Consent, or Licence respectively: "Permission:" "Consent:" "Licence:"

The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at Westminster, and shall include the Mayor's Court and the Sheriff's Court of the City of London: "Superior Courts:"

The Words "General or Quarter Sessions" shall mean the General or Quarter Sessions of the Peace of the City of London: "General or Quarter Sessions:"

The Words "Justice" shall include the Lord Mayor, or any Justice, Alderman, or the Recorder of the City of London: "Justice:"

When any Matter shall be authorized or required to be done by or before Two Justices, the Expression "Two Justices" shall be understood to mean Two or more Justices assembled and sitting together in Petty Sessions, or the Lord Mayor or any One Alderman of the City of London: * * * "Two Justices:"

The Word "Street" shall include any Square, Street, Court, Alley, Footpath, Footway, Highway, Lane, Road, Thoroughfare, or public Passage or Place: "Street:"

The Word "Court" shall mean any present or future Court, or Passage leading into a Court, or any present or future Alley, or other Way or Place, having a "Court:"

(*a*) Now Common Council. See note (*a*), p. 90.

11 & 12 Vict., Cap. 163.

House or Houses or the principal Entrance into a House therein, but not having a Road or Carriageway: The Word "Passage" shall mean any present or future Passage, Alley, or other Way or Place not having a House or Houses or the principal Entrance into a House therein, but merely leading into any Street or Court, or to any House in such Street or Court, and not being a Road or Carriageway: The Word "public Place" shall mean any Place to which the Public have Power of Access, either by Day or by Night: The Word "Pavement" shall include Stone of all Kinds, Bricks, Tiles, Wood, Asphalte, or any other Preparation, or any Materials used in lieu of Paving Stones, by or with the Approbation of the Commissioners: (*a*) * * *

"Passage:"

"Public Place:"

"Pavement:"

And whenever any Forfeiture, Penalty, or Damage is payable to a Party aggrieved, it shall be payable to a Body Corporate in like manner as to an Individual; and where the doing of any Act or Thing is made punishable by this Act, or by any of the Rules or Regulations to be made by the Commissioners (*a*) in pursuance thereof, with any Penalty, Fine, or Forfeiture, the causing, procuring, permitting, or suffering such Act or Thing to be done shall be punishable in like Manner.

* * *

Commencement of Act.

CCLXIV. This Act shall commence and come into operation on the First Day of January next after the passing thereof, * * *.

[Remainder of section 264 repealed by City of London Sewers Act, 1851, s. 1, p. 103.]

(*a*) Now Common Council. See note (*a*), p. 90.

14 & 15 Vict., Cap. 91.

CITY OF LONDON SEWERS ACT, 1851.

14 & 15 Vict., Cap. 91. An Act to continue "The City of London Sewers Act, 1848," and to alter and amend the Provisions of the said Act. (*a*)

[24th July 1851.]

[Preamble.]

So much of Sect. 264 of 11 & 12 Vict. cap. 163. as relates to Continuance of Act repealed.

I. So much of the Two hundred and sixty-fourth Section of "The City of London Sewers Act, 1848," as declared that the said Act shall continue in force for Two Years next after the First Day of January then next, and thence to the End of the then next Session of Parliament, shall be and the same is hereby repealed.

* * *

After 1st Jan. 1852, Furnaces to consume their own Smoke.

XLVIII. From and after the First Day of January One thousand eight hundred and fifty-two, every Furnace employed or to be employed in the working of Engines by Steam, and every Furnace employed or to be employed in any Mill, Factory, Printing House, Dyehouse, Iron Foundry, Glasshouse, Distillery, Brewhouse, Bakehouse, Gasworks, Waterworks, or other Buildings used for the Purpose of Trade or Manufacture within the City (although a Steam Engine be not used or employed therein), shall in all Cases be constructed or altered so as to consume the Smoke arising from such Furnace; and if any Person shall, after the First Day of January One thousand eight hundred and fifty-two, use any such Furnace which shall not be constructed so as to consume or burn its own Smoke, or shall so negligently use any such Furnace as that the Smoke arising therefrom shall not be effectually consumed or burnt, or shall carry on any Trade or Business which shall occasion any noxious or offensive Effluvia, or otherwise annoy the Neighbourhood or Inhabitants, without using, to the Satisfaction of the Commissioners, (*b*) the best practicable Means for preventing or counteracting such Annoyance, every Person

Penalty on Neglect.

(*a*) Short Title, "The City of London Sewers Act, 1851." See s. 62.

(*b*) Now Common Council of the City of London. See City of London Sewers Act, 1897, s. 7, p. 470.

14 & 15 Vict., Cap. 91.

so offending shall forfeit and pay a Sum of not more than Five Pounds nor less than Forty Shillings, for and in respect of every Day during which or any Part of which such Furnace or Annoyance shall be so used or continued.

* * *

Provisions of recited Act incorporated with this Act.

LVII. [All the Clauses, Provisions, Matters, and Things in the said recited Act contained, except such of them as are hereby varied, altered, or repealed, or as are repugnant to the Provisions in this Act contained, shall extend to this Act, and shall be in force in respect to the Objects and Purposes of this Act, as fully and effectually, to all Intents and Purposes, as if the same Clauses, Provisions, Matters, and Things were re-enacted in this Act with reference to the Objects and Purposes thereof, and (*a*)] the said Act and this Act shall be, as to all Matters and Things whatsoever, except as aforesaid, read and construed together as One Act.

* * *

Short Title.

LXII. In citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The City of London Sewers Act, 1851."

(*a*) As to repeal of portion within brackets, so far as it relates to any clauses or provisions of the recited Act which are repealed by the City of London Sewers Act, 1897, see s. 4 and second schedule of the last-named Act, pp. 469, 470.

15 & 16 Vict., Cap. 84.

METROPOLIS WATER ACT, 1852.

15 & 16 Vict., Cap. 84. An Act to make better Provision respecting the Supply of Water to the Metropolis. (*a*) [1st July 1852.]

[Preamble and introductory words repealed by Statute Law Revision Act, 1892.]

Restriction as to Sources of Supply of Water to the Metropolis.

I. * * * It shall not be lawful for any Company supplying the Metropolis or any Part thereof with Water for domestic Use, * * * to take any Water for such Purpose from any Part of the River *Thames* below *Teddington* Lock, or from any Part of any of the tributary Rivers or Streams of the River *Thames* below the highest Point where the Tide flows in such tributary Rivers and Streams respectively; * * *

[Words omitted from s. 1 repealed by Statute Law Revision Act 1875.]

Reservoirs within a limited Distance, to be covered.

II. * * * Every Reservoir within a Distance in a straight Line from *Saint Paul's* Cathedral in the City of *London* of not more than Five Miles, in which Water for the Supply for domestic Use of the Metropolis or any Part thereof is stored or kept by any Company, shall be roofed in or otherwise covered over: Provided always, that this Provision shall not extend to any Reservoir the Water from which is subjected by the Company to efficient Filtration after it is discharged from such Reservoir, and before it is passed into the Mains or Pipes of the Company for Distribution, or to any Reservoir the whole of the Water from which is distributed through distinct Mains or Pipes for other than domestic Purposes, nor to any Reservoir whatever the Water stored in which shall be used exclusively for other than domestic Purposes.

[Words omitted from s. 2 repealed by Statute Law Revision Act, 1875.]

Water not to be brought within a limited Distance in open Aqueducts.

III. * * * No Water shall be brought or conducted within the Metropolis by any Company for the Purpose of domestic Use otherwise than through Pipes or through

(*a*) Short Title, "The Metropolis Water Act, 1852." See s. 28. For extension to whole water area, and adaptation of this Act, see Metropolis Water Act, 1897, s. 3, p. 467.

15 & 16 Vict., Cap. 84.

covered Aqueducts, unless the same shall be afterwards filtered before Distribution.

[Words omitted from s. 3 repealed by Statute Law Revision Act, 1875.]

Every Company to filter all Water supplied by them for domestic Use.

IV. * * * Every Company shall effectually filter all Water supplied by them within the Metropolis for domestic Use, before the same shall pass into the Pipes for Distribution, excepting any Water which may be pumped from Wells into a covered Reservoir or Aqueduct, without Exposure to the Atmosphere, and which shall not be afterwards mixed with unfiltered Water.

[Words omitted from s. 4 repealed by Statute Law Revision Act, 1875.]

Company to give Notice to Board of Trade (*a*) before resorting to new Sources of Supply, who may thereupon appoint an Inspector to report.

V. Three Months before any Company shall resort to any new Source of Supply, such Company shall give Notice in Writing thereof to * * * the Board of Trade (*a*), and thereupon, within One Month after Receipt of such Notice, the * * * Board of Trade (*a*) shall, if they think fit, appoint a competent Person as an Inspector, who shall report with respect to any Sources then specially authorized by Parliament, whether the Directions of the Special Act have been complied with in reference thereto, and with respect to any new Sources not specially authorized by Parliament, whether the same are capable of supplying good and wholesome Water for domestic Purposes.

[Words omitted from s. 5 repealed by Statute Law Revision Act, 1892.]

Inspector to give Notice to Companies of his Intention to visit new Sources.

VI. The Inspector so appointed as aforesaid shall within Ten Days after such Appointment give Notice in Writing to the Company thereof, and of the Time at which he proposes to visit and inspect the said Sources, and thereupon, in order to enable him to make such Report as aforesaid, it shall be lawful for the said Inspector to enter the Lands wherein such Sources respectively are situate, and to examine and make Inquiry touching the Premises.

Board of Trade (*a*) to certify their Approval or Disapproval of new Sources.

VII. The Board of Trade (*a*) shall, within Twenty-one Days after the Receipt from the said Inspector of his Report, send to such Company with respect to any such new Sources of Supply not specially authorized by Parliament a Certificate in Writing of their Approval or Disapproval thereof, and with respect to any such Sources as

(*a*) Now Local Government Board. See re-enactment, by s. 343 of Public Health Act, 1875, p. 275, of s. 35 of Public Health Act, 1872 (35-6 V. c. 79), and extension of such re-enactment to London by Public Health (London) Act, 1891, s. 142. (5), p. 392.

shall then be specially authorized by Parliament a Notice in Writing stating whether in the Judgment of the Board of Trade (*a*) the Directions of the Special Act have in reference thereto been complied with.

If Board of Trade (*a*) disapprove, Company not to use new Source of Supply.

VIII. After the Company shall have received a Certificate that the Board of Trade (*a*) disapproves of any such new Source of Supply not specially authorized by Parliament as aforesaid, it shall not be lawful for the Company to use the said Source, and after Receipt of such Notice as aforesaid that in the Judgment of the Board of Trade (*a*) the Directions of the Special Act with reference to any Sources then specially authorized by Parliament have not been complied with, it shall not be lawful for the Company, before complying with such Directions with reference to such Source, to use the same.

On Complaint as to Quantity and Quality, Board of Trade (*a*) may appoint a Person to inquire and report.

IX. If at any Time Complaint as to the Quantity or Quality of the Water supplied by any Company for domestic Use be made to the Board of Trade (*a*) by Memorial in Writing signed by not less than Twenty Inhabitant Householders paying Rents for and supplied with Water by the Company, it shall be lawful for the Board of Trade (*a*), at any Time within One Month after the Receipt of such Complaint, to appoint a competent Person to inquire into and concerning the Grounds of such Complaint, and to report to the Board of Trade thereon.

Powers of Person appointed.

X. The Person so appointed as aforesaid shall, within Three Days after such Appointment, give Notice thereof in Writing to the Company, and after such Notice as aforesaid he shall have Power to inspect and examine the Waterworks of the Company, and to inquire into and concerning the Grounds of such Complaint; and the Company and their Officers shall afford all reasonable Facilities for such Inspection, Examination, and Inquiry.

Penalty for obstructing Inspector.

XI. Any Person obstructing such Inspector in the due Prosecution of such Inspection, Examination, or Inquiry, shall forfeit and pay any Sum not exceeding Ten Pounds.

If Complaint well founded, Notice to be given to Company.

XII. If after Receipt of such Report it shall appear to the Board of Trade (*a*) that the said Complaint is well founded, the Board of Trade (*a*) shall give Notice thereof in Writing to the Company.

Company to remove Ground of Complaint.

XIII. After the Receipt of such Notice the Company shall and they are hereby required within a reasonable Time to remove the Grounds of such Complaint.

(*a*) Now Local Government Board. See note (*a*), p. 106.

15 & 16 Vict., Cap. 84.

Engines to consume their own Smoke.

XIV. Every Steam Engine, Furnace, or other Work in which Coals which produce Smoke during Combustion shall be consumed by any Company for the Purpose of the Waterworks shall be constructed on the most effectual Principle for consuming its own Smoke.

Provision for constant Supply of Water by every Company.

XV. * * * Provided that neither the Kent Waterworks Company * * * shall be required to give such Supply at any Height exceeding One hundred and eighty Feet above Trinity High-water Mark, nor the East London Waterworks Company be required to give such Supply at any Height exceeding Forty Feet above the Level of the Pavement nearest the Point at which such Supply shall be required.

[Words omitted from s. 15 repealed by Metropolis Water Act, 1871, s. 5, p. 238, so far as regards their operation within the limits of that Act, and for such limits see s. 4 thereof.]

Penalty for Non-compliance with the Provisions of the Act.

XVI. Any Company which shall violate, refuse, or neglect to comply with any of the Provisions herein-before contained shall forfeit to Her Majesty the Sum of Two hundred Pounds, and the further Sum of One hundred Pounds for every Month during which they shall continue to violate or to refuse or neglect to comply with the same after they shall have received Notice in Writing from the Board of Trade (*a*) to discontinue such Violation, Refusal, or Neglect as aforesaid.

Map of underground Works of the Companies to be made, and kept at principal Office of each Company, and be open to Inspection.

XVII. Every Company shall, within One Year after the passing of this Act, cause a Map to be made of the District within which any Mains or [District Mains (*b*)] shall have been laid down or formed by them on a Scale not less than Six Inches to a Mile, and shall cause to be marked thereon the Course and Situation of all existing Mains and [District Mains (*b*)], and shall, within Six Months from the making of any Alterations or Additions, cause the said Maps to be from Time to Time corrected, and such Additions made thereto as may show the Line and Situation of all such Mains and [District Mains (*b*)] as may be laid down or formed by them from Time to Time * * * (*c*); and such Map, or a Copy thereof, with the Date expressed thereon of the last Time when the same shall have been so corrected as aforesaid, shall be kept in the

(*a*) Now Local Government Board. See note (*a*), p. 106.

(*b*) For "district mains" now read "pipes," and every screw-cock or apparatus for permitting or preventing the flow of water from mains into pipes to be marked on maps and alterations thereof. See Metropolis Water Act, 1871, s. 49, pp. 252, 253.

(*c*) Words omitted repealed by Statute Law Revision Act, 1892.

principal Office of each Company, and shall be open to the Inspection of all Persons interested in the same within the said District, who shall be at liberty to take Copies of or Extracts from the same. 15 & 16 Vict., Cap. 84.

Companies to furnish Particulars of District Mains when required.

XVIII. Every Company, on the Application of any Person supplied with Water by such Company, shall furnish to such Person the Particulars of any [District Main (*a*)] from which such Person is supplied, together with the Names of the Streets through which such [District Main (*a*)] passes, and the Commencement and Termination thereof.

[XIX.-XXII., both inclusive, repealed by Metropolis Water Act, 1871, s. 5, p. 238, so far as regards their operation within the limits of that Act, and for such limits see s. 4 thereof.]

Cisterns, Closets, and Baths to be so constructed as to prevent Waste or the Flow or Return of impure Matter into the Mains, &c.

XXIII. Every Cistern or other Receptacle for Water, and every Closet, Soil-pan, and private Bath which shall be supplied with Water by any Company, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Company, or into any Pipes connected or communicating therewith; and notwithstanding anything in "The Waterworks Clauses Act, 1847," or in this Act contained, no Company shall be bound to supply Water into any Cistern or other Receptacle for Water, Closet, Soil-pan, or private Bath, which shall not be so constructed and used.

Restricting Communication with Pipes of the Company.

XXIV. No Person shall make or lay down, or permit to be made or laid down, any Pipe or other Means or Contrivance for taking, using, or obtaining Water to communicate with any Pipe or Apparatus connected with any of the Mains or Pipes of any Company without giving such Notice, and except under such Superintendence, and according to such Direction as is provided by "The Waterworks Clauses Act, 1847," with respect to the Communication Pipes to be laid by the Inhabitants.

Water may be cut off in certain Cases.

XXV. If any Person supplied with Water by any Company shall wilfully do or cause to be done any Act, Matter, or Thing in contravention of the Provisions of this Act, or of the Special Act relating to such Company, or of any Act incorporated therewith, or shall wilfully omit or neglect to do any Matter or Thing which under such

(*a*) For "district main," now read "pipe." See Metropolis Water Act, 1871, s. 49, p. 252. As to screw-cocks, see note (*b*), p. 108.

15 & 16 Vict., Cap. 84.

Provisions ought to be done for the Prevention of the Waste, Misuse, or undue Consumption, or the Contamination of the Water of the Company, it shall be lawful for the Company to turn off the Water supplied by them to such Person, and to cease to supply such Person with Water, and also to recover from such Person by Action or Suit in any Court of Competent Jurisdiction the Amount of any Loss, Damage, or Injury which such Company may sustain by means or in consequence of any such Act, Matter, or Thing as aforesaid, or of any such wilful Omission or Neglect as aforesaid.

Regulations to be made, * * *

XXVI. It shall be lawful for any Company from Time to Time, * * * to make such Regulations as shall be necessary or expedient for the Purpose of preventing the Waste or Misuse of Water, and therein, amongst other things, to prescribe the Size, Nature, and Strength of the Pipes, Cocks, Cisterns, and other Apparatus to be used, and to interdict any Arrangements, and the use of any Pipes, Cocks, Cisterns, or other Apparatus, which may tend to such Waste or Misuse as aforesaid.

[Words omitted from s. 26 repealed by Statute Law Revision Act, 1875.]

[XXVII. repealed by Metropolis Water Act, 1871, s. 5, p. 238, so far as regards its operation within the limits of that Act, and for such limits see s. 4 thereof.]

Short Title.

XXVIII. In citing this Act in other Acts and in legal Instruments it shall be enough to use the Expression "The Metropolis Water Act, 1852."

Interpretation of Terms.

XXIX. In the Construction of this Act the Expression "Company" shall mean and include any of the Companies herein-after enumerated; (that is to say,) the Governor and Company of the *New River* brought from *Chadwell* and *Amwell* to *London*, commonly called "The *New River* Company;" the Company of Proprietors of the *East London* Waterworks; the *Southwark and Vauxhall* Water Company; the *West Middlesex* Waterworks Company; the *Lambeth* Waterworks Company; the Governor and Company of *Chelsea* Waterworks; the *Grand Junction* Waterworks Company; the Company of Proprietors of the *Kent* Waterworks; and the *Hampstead* Waterworks Company; and also any other Company, Board, Commissioner, Association, Person or Partnership, corporate or unincorporate, for the Time being supplying the Metropolis or any Part thereof with Water for domestic Use;

the Expression "the Special Act" shall mean and include this Act, and every and any Act of Parliament relating to the Company referred to; and the Expression "the Metropolis" shall mean and include all Places described or referred to in the Schedule to this Act. (*a*) 15 & 16 Vict., Cap. 84.

The SCHEDULE above referred to.

All such Places lying on the North Side or Left Bank of the River Thames as are within the exterior Boundaries of and are within the Ambit formed by the Parishes of Fulham, Hammersmith, Kensington, Paddington, Hampstead, Hornsey, Tottenham, Saint Pancras, Islington, Stoke Newington, Hackney, Stratford-le-Bow, Bromley, Poplar, and Shadwell.

Such Part of the Parish of Chelsea as lies North of the said Parish of Kensington.

And such Parts and Places lying on the South Side or Right Bank of the said River as are within the exterior Boundaries of and are within the Ambit formed by the Parishes of Woolwich, Charlton, Greenwich, Deptford, Lee, Lewisham, Camberwell, Lambeth, Streatham, Tooting, Wandsworth, and Putney.

(*a*) For definition of term "metropolis" in Metropolis Water Act, 1871, see s. 3 thereof, p. 236, and for limits of that Act, see s. 4 thereof, p. 238.

16 & 17 Vict., Cap. 41.

COMMON LODGING HOUSES ACT, 1853.

16 & 17 Vict., Cap. 41. An Act for making further Provisions with respect to Common Lodging Houses. (*a*) [4th August 1853.]

[Preamble and introductory words repealed by Statute Law Revision Act, 1892.]

Short title.

I. This Act may be cited for any Purpose as "The Common Lodging Houses Act, 1853."

Recited Act and this Act to be as One.

II. The Common Lodging Houses Act, 1851, and this Act shall be construed and executed as if they were One Act.

* * *

Power to Local Authority (*b*) to require an additional Supply of Water to Common Lodging Houses. (*c*)

VI. When it appears to the local Authority (*b*) that a Common Lodging House (*c*) is without a proper Supply of Water for the Use of the Lodgers, and that such a Supply can be furnished thereto at a reasonable Rate, the local Authority (*b*) may by Notice in Writing require the Owner or Keeper of the Common Lodging House, within a Time specified therein, to obtain such Supply, and to do all Works necessary for that Purpose; and if the Notice be not complied with accordingly, the local Authority (*b*) may remove the Common Lodging House from the Register until it be complied with. (*d*)

* * *

(*a*) By the Public Health Act, 1875, s. 343, this Act is repealed except so far as relates to the Metropolitan Police District, and, by the Statute Law Revision Act, 1892, it is repealed except as to the metropolis as defined by such Public Health Act, viz., the City of London and all parishes and places mentioned in schedules A., B., and C. to the Metropolis Management Act, 1855 (pp. 121-124.)

(*b*) As regards the metropolis, s. 3 of the Common Lodging Houses Act, 1851, as amended by the Statute Law Revision Act, 1893, provides that such Act shall be executed by the commissioners of police of the metropolis, and s. 2 hereof provides that that Act and this shall be construed and executed as if they were one Act.

(*c*) Or the part of a house used as a common lodging house. See s. 2 of the Act recited in s. 2 hereof.

(*d*) As to access to common lodging houses by officer of local authority, see s. 12 of the Act recited in s. 2 hereof.

17 & 18 Vict., Cap. 103.

TOWNS IMPROVEMENT (IRELAND) ACT, 1854.

17 & 18 Vict., Cap. 103. An Act to make better Provision for the paving, lighting, draining, cleansing, supplying with Water, and Regulation of Towns in Ireland. (*a*)

[10th August 1854.]

* * *

Interpretation of Terms in this Act.

I. The following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction (that is to say), the Word "Town" shall mean and include a City, Town Corporate, Borough, Market Town, or other Town in Ireland, containing a population of One thousand five hundred Inhabitants or upwards as ascertained by their last Population Returns made pursuant to Act of Parliament; * * * the Expression "the Commissioners" shall mean a Majority of the Commissioners for the Purposes of this Act acting in and for a Town by which this Act has been in whole or in part adopted; * * * the Word "Street" shall extend to and include any Road, Bridge, Lane, Square, Court, Alley, and Thoroughfare or public Passage; * * *

"Town."

"Commissioners."

"Street."

Short Title of this Act.

II. In citing this Act in other Acts of Parliament, and in legal Instruments, and in pleading, it shall be enough to use the Expression "The Towns Improvement (Ireland) Act, 1854."

* * *

Commissioners may

LI. The Commissioners may contract for any Period not exceeding Three Years at any One Time with the

(*a*) The application of this Act is subject to its adoption in accordance with provisions contained therein, and the Act is subject to adaptation by Order in Council under s. 105 of the Local Government (Ireland) Act, 1898.

17 & 18 Vict., Cap. 103.

contract for lighting Streets.

Price to be paid for Gas to be ascertained in case of dispute.

Owners of any Gasworks, or with any other Person, (*a*) for the Supply of such Gas or Oil, or other Means of lighting, and may provide such Lamps, Lamp Posts, and other Works as the Commissioners think necessary for lighting the Streets of the Town; and if the Commissioners and the Owners of any Gasworks authorized by Act of Parliament to supply Gas within the Town, and with whom the Commissioners shall be desirous of contracting, shall not agree as to the Price to be paid for such Supply, then such Price shall be settled by Arbitration, and for that Purpose the Clauses of "The Lands Clauses Consolidation Act, 1845," with respect to the Settlement of disputed Compensation by Arbitration, shall be incorporated with this Act.

[LII.-LIV., relating to the supply of water, repealed by Public Health (Ireland) Act, 1878, s 294.] See note (*a*), p. 275.

* * *

(*a*) Interpretation of word "person," under s. 1, repealed by Statute Law Revision Act, 1892.

18 & 19 Vict., Cap. 120.

METROPOLIS MANAGEMENT ACT, 1855.

18 & 19 Vict., Cap. 120. An Act for the better Local Management of the Metropolis. (*a*)

[14th August 1855.]

* * *

All Power relating to paving, &c to be vested in Vestries (*b*) and in District Boards (*b*).

XC. All the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish mentioned in Schedule (A.) to this Act, or any Part of such Parish now vested in any Commissioners, or in any Body other than the Vestry of such Parish, or in any Officer of any Commissioners or other Body, and all other Duties, Powers, and Authorities in anywise relating to the Regulation, Government, or Concerns of any such Parish or Part, or of the Inhabitants thereof, (except such Duties, Powers, and Authorities as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor, so far as such Duties, Powers, and Authorities relate thereto,) now vested under any Local Act of Parliament in any Commissioners, or in any Body other than the Vestry of such Parish, or in any such Officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the Vestry of such Parish (*b*) under this Act; and all the Duties, Powers, and Authorities for or in relation to the paving, lighting, watering, cleansing, or improving of any Parish included in any District mentioned in Schedule (B.) to this Act, or any Part of such Parish, now vested in any Commissioners, Vestry, or other Body, or in any Officer of any Commissioners, or other Body, and all other Duties, Powers, and Authorities in anywise relating to the Regula-

(*a*) Short Title, "The Metropolis Management Act, 1855." See Short Titles Act, 1896, s. 1.

(*b*) Now Metropolitan Borough Council. See London Government Act, 1899, s. 4, p. 483. As to Westminster, Council of City of Westminster. See London Gazette, October 30, 1900, as to Letters Patent constituting Westminster a City.

18 & 19 Vict., Cap. 120.

tion, Government, or Concerns of any such Parish, or Part, or of the Inhabitants thereof (except such Duties, Powers, and Authorities as relate to the Affairs of the Church, or the Management or Relief of the Poor, or the Administration of any Money or other Property applicable to the Relief of the Poor, so far as such Duties, Powers, and Authorities relate thereto), now vested under any Local Act of Parliament in any Commissioners, Vestry, or other Body, or in any such Officer, shall cease to be so vested, and shall, save as herein otherwise provided, become vested in and be performed and exercised by the Board of Works for such District (*a*); and the Provisions of every such Act of Parliament as aforesaid shall be applicable to the Vestry (*a*) of every Parish mentioned in the said Schedule (A.) and to every such District Board (*a*) accordingly, and the Offices of all Commissioners and Persons whose Powers are determined by this Act shall cease and be determined, and there shall be no new Appointment or Election to any such Office.

* * *

Vestry (*a*) or District Board (*a*) to cause Streets to be paved.

XCVIII. It shall be lawful for every Vestry (*a*) and District Board (*a*) from Time to Time to cause all or any of the Streets within their Parish or District, or any Part thereof respectively, to be paved or repaired when and as often and in such Form and Manner and with such Materials as such Vestry or Board think fit, and to cause the Ground or Soil thereof to be raised or lowered, and the Course of the Channels running in, into, or through the same to be turned or altered, in such Manner as they think proper, and to alter the Position of any Mains or Pipes in or under such Street, such Alteration to be made subject to the Approval of the Engineer of the Company to which such Mains or Pipes belong.

[For corresponding provision applicable to City of London, see City of London Sewers Act, 1848, s. 120, p. 93.]

* * *

Notice to be given by Companies to Vestries (*a*) and District Boards (*a*) when Pavement, &c. is required to be taken up.

CIX. No Company or Person shall break up or open the Pavement, Surface, or Soil of any Street, the paving whereof is under the Control and Management of the Vestry (*a*) or District Board (*a*) of any Parish or District, for the Purpose of making and laying down any Main of Pipes or for any other Purpose whatsoever, except in Cases of Emergency arising from Defects in Pipes or other Works, without having previously given Three clear Days Notice in Writing to such Vestry (*a*) or District Board, (*a*) stating

(*a*) Now Borough Council. See note (*b*), p. 115.

in such Notice the Name of the Street and the particular Part thereof in which such Pavement, Surface, or Soil is intended to be broken up or opened, the Day on which the Work is proposed to be commenced, and the Time within which it will be completed; and in any such Case of Emergency as aforesaid such Company or Person shall, within Twelve Hours after they or he begin to break up or open such Pavement, Surface, or Soil as aforesaid, give such Notice as aforesaid to the said Vestry (*a*) or District Board (*a*); and no such Pavement, Soil, or Surface shall be broken up or opened for the Purpose of laying down any new Main of Pipes for the Conveyance of Water during any Part of the Months of December, January, and February, without the Consent of the said Vestry (*a*) or District Board (*a*); and no Gaslight Company shall at any Time break up or open any such Pavement, Surface, or Soil for the Purpose of laying down any new Mains of Pipes, without the Consent in Writing of the said Vestry (*a*) or District Board (*a*); and every Company or Person offending against this Enactment shall for every such Offence forfeit a Sum not exceeding Five Pounds, and shall within Twenty-four Hours after Notice in Writing from the Vestry (*a*) or District Board, (*a*) cause such Mains or Pipes to be taken up and removed, and the Pavement, Surface, or Soil to be reinstated and put into its former State: Provided always, that any Gaslight Company may break up or open any such Pavement, Surface, or Soil, for the Purpose of laying down and attaching to Mains and Pipes already existing any new Service Pipes, on giving to the said Vestry (*a*) or District Board, (*a*) Three Days at the least before so doing, Notice of their Intention to break up or open such Pavement, Surface, or Soil for such Purpose.

[For corresponding provision applicable to City of London, see City of London Sewers Act, 1848, s. 134, p. 94.]

Streets not to be broken up, except under the Superintendence of Vestry (*a*) or Board (*a*).

CX. Whenever it is necessary, from any Cause whatever, for any Company or Person to break up or open the Pavement, Surface, or Soil of any Street, such Street, and the Pavement, Surface, and Soil thereof, shall be broken up and opened under the Superintendence of the Vestry (*a*) or District Board (*a*) of the Parish or District in which the same is situate, and in such Manner and as regards Gas Companies at such Time, as they shall direct; and such Company or Person shall with all convenient Speed complete the Work on account of which the same is broken up or opened, and fill in the Ground and make good the

Streets broken up to be reinstated without Delay.

(*a*) Now Borough Council. See note (*b*), p. 115.

18 & 19 Vict., Cap. 120.

Pavement or Surface or Soil so broken up or opened, and carry away the Rubbish occasioned thereby, and shall in the meantime cause the Place where such Pavement or Surface or Soil is so broken up or opened to be fenced and guarded, and shall set up and maintain upon or against the Part of the Pavement, Surface, or Soil so broken up or opened a sufficient Light during every Night that such Pavement or Surface or Soil is continued open or broken up.

[For corresponding provisions applicable to City of London, see City of London Sewers Act, 1848, ss. 135, 136, p. 94.]

Penalty on Persons taking up Pavements neglecting to reinstate them, and to place Lights during the Night-time to prevent Accidents.

CXI. If any Company or Person authorized to break up or open any of the Pavement or Surface of any Street, for the Purpose of laying, altering, or repairing any Gas, Water, or other Pipe, or other lawful Cause, do not with due Diligence cause the Ground to be filled in, and the Pavement to be reinstated, and the Surface to be made good, in a proper and substantial Manner, or do not in the meantime fence and guard the same, and affix and maintain Lights during the Night near to the Places where any Ground is open, so as to prevent any Accident, every such Company or other Person so offending shall for every such Offence forfeit a Sum not exceeding Five Pounds, and also a further Sum not exceeding Forty Shillings for every Day during which such Offence continues; and no such Pavement shall be considered to have been reinstated in a proper and substantial Manner by any such Company or other Person unless the same have been reinstated with the same or similar Materials of the like Quality and Thickness, and cemented and bound together in the same or in an equally substantial Manner, as those of which it was composed, in such Manner as is satisfactory to the Vestry (*a*) or Board. (*a*)

[For corresponding provision applicable to City of London, see City of London Sewers Act, 1848, s. 138, p. 95.]

Vestry (*a*) or District Board (*a*) to direct pavements injured by Water or Gas Pipes to be repaired by Company

Penalty for Neglect

CXII. In case any Part of the Pavement of any Street be sunk, broken, injured, or damaged by reason of the breaking, bursting, or Want or Repair of any Pipe belonging to any Water, Gas, or other Company, it shall be lawful for the Vestry (*a*) or District Board (*a*) of the Parish or District in which such Pavement is situate, if they deem it expedient so to do, to cause Notice to be given to the Company to whom such Pipe is supposed to belong forthwith well and sufficiently to repair and make good such Pavement; and if the Company to whom such Notice is given do not, within Forty-eight Hours next after such

(*a*) Now Borough Council. See note (*b*), p. 115.

Notice, take up such Pavement, and well and sufficiently repair and amend such Pipe, and cause the Ground to be well and sufficiently filled in and rammed down, and the said Pavement to be relaid and repaired, to the Satisfaction of the Vestry (*a*) or District Board, (*a*) then such Company so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

[For corresponding provision applicable to City of London, see City of London Sewers Act, 1848, s. 139, pp. 95, 96.]

Company opening the Ground to repair a Pipe discovered to belong to another Company, to give Notice to such Company, and to be reimbursed Expenses.

CXIII. Provided always, That in case it be discovered, after any Pavement in any Street has been taken up by any Company, and the Ground opened, that the Pipe beneath the Surface of such Pavement required to be repaired and amended does not belong to the Company to whom such Notice has been given as aforesaid, but to some other Company, then such first-mentioned Company to whom such Notice has been so given as aforesaid shall, within Forty-eight Hours after such Discovery, cause a Copy of such Notice to be in like Manner given to the Company to whom such Pipe belongs, and require them to obey, conform to, and comply with the original Notice, instead of the Company to whom such original Notice was given as aforesaid; and such other Company to whom such last-mentioned Notice is given as aforesaid shall reimburse and pay, on Demand, to the first-mentioned Company, the reasonable Costs and Charges incurred in and about the taking up of the Pavement and opening the Ground; and the said last-mentioned Company shall obey, conform to, and comply with the said original Notice, and execute and perform the Work mentioned therein, in such and the same Manner, and within such and the same Time, in all respects, as if the said original Notice had been given to such last-mentioned Company, and they shall be liable to and shall incur the same Penalties and Forfeitures, on Neglect so to do, as they would have incurred and been liable to if the said original Notice had been given to them in manner before directed with respect to such first-mentioned Company; and if the Company by whom such Pavement has been first taken up, and who have opened the Ground, neglect to give the Notice hereby required to the Company to whom such Pipe actually belongs, such Company so neglecting shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds.

[For corresponding provision applicable to City of London, see City of London Sewers Act, 1848, s. 140, p. 96.]

(*a*) Now Borough Council. See note (*b*), p. 115.

18 & 19 Vict., Cap. 120.

Power to Vestry (*a*) or District Board (*a*) to reinstate Pavement and charge the Expenses to the Parties

CXIV. Provided also, That whenever the permanent Surface or Soil of any Street is broken up or opened, it shall be lawful for the Vestry (*a*) or District Board (*a*) of the Parish or District in which the same is situate, in case they think it expedient so to do, to fill in the Ground and to make good the Pavement or Surface or Soil so broken up or opened, and to carry away the Rubbish occasioned thereby, instead of permitting such Work to be done by the Company or Person by whom such Surface or Soil is broken up or opened; and the Expenses of filling in such Ground and of making good the Pavement or Soil so broken up or opened shall be repaid, on Demand, to the Vestry or Board by such Company or Person.

[For corresponding provision applicable to City of London, see City of London Sewers Act, 1848, s. 137, pp. 94, 95.]

Power for Vestry (*a*) or District Board (*a*) to contract with Company for restoring Pavements.

CXV. It shall be lawful for the Vestry (*a*) or District Board (*a*) of any Parish or District to contract and agree, for any Term of Years or otherwise, with the several Companies or Persons authorized to take up any of the Pavements or other formed Surface of any of the Streets within such Parish or District, for the filling in, paving, and restoring of such Parts of the said Streets as may be from Time to Time required to be taken up for the Purpose of laying, altering, or repairing any Pipes or other like Purpose.

[For corresponding provision applicable to City of London, see City of London Sewers Act, 1848, s. 143, p. 98.]

* * *

Repeal of Acts inconsistent with this Act.

CCXLVII. All Acts of Parliament in force in any Parish or Place to which this Act extends, or in any Part of such Parish or Place, shall, so far as the same are inconsistent with the Provisions of this Act, be repealed as regards such Parish or Place, or such Part thereof, notwithstanding any Provisions of this Act continuing and transferring respectively to Vestries of Parishes and transferring to District Boards any Duties, Powers, or Authorities now vested in Vestries, Commissioners, or other Bodies.

* * *

Interpretation of Terms: "the Metropolis:" "the City of London:"

CCL. In the Construction of this Act "the Metropolis" shall be deemed to include the City of London, and the Parishes and Places mentioned in the Schedules (A.), (B.), and (C.), to this Act; "the City of London" shall be deemed to include all Parts now within the Juris-

(*a*) Now Borough Council. See note (*b*), p. 115.

diction of the Commissioners of Sewers for the City of London; and the Word "Parish" shall include any Place mentioned in Schedule (A.) to this Act, and any Place or Combination of Places mentioned in Schedule (B.) to this Act, for which One or more Member or Members is or are to be elected to any District Board. The Word "Street" shall apply to and include any Highway, * * * (*a*) and any Road, Bridge (not being a County Bridge), Lane, Footway, Square, Court, Alley, Passage, whether a Thoroughfare or not, and a Part of any such Highway, Road, Bridge, Lane, Footway, Square, Court, Alley, or Passage; * * *

18 & 19 Vict., Cap. 120.

"Parish:"

"Street:"

* * *

SCHEDULE (A.)

PART I.

Parishes each electing Two Members of the Metropolitan Board of Works.

Saint Marylebone.
Saint Pancras.
Lambeth.
Saint George Hanover Square.
Islington, Saint Mary.
Shoreditch, Saint Leonard.

PART II.

Parishes each electing One Member of the Metropolitan Board of Works.

Paddington.
Saint Matthew Bethnal Green.
Saint Mary Newington, Surrey.
Camberwell.
Saint James Westminster.
Saint James and Saint John Clerkenwell to be considered as One Parish.
Chelsea.
Kensington, Saint Mary Abbot.
Saint Luke Middlesex.
Saint George the Martyr Southwark.
Bermondsey.
Saint George in the East.
Saint Martin in the Fields.
Hamlet of Mile End Old Town.
Woolwich.
Rotherhithe.
Saint John Hampstead.

(*a*) Words here omitted repealed by Statute Law Revision Act, 1898.

SCHEDULE (B.)

PARISHES UNITED INTO DISTRICTS FOR THE PURPOSES OF THE ACT.

PART I.

Districts each electing One Member of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Whitechapel District..	Saint Mary, Whitechapel	27
	Christchurch, Spitalfields	12
	Saint Botolph without Aldgate, in the County of Middlesex	6
	Holy Trinity, Minories	1
	Saint Katherine, Precinct of	1
	Mile End New Town, Hamlet of.. ..	6
	Liberty of Norton Folgate..	3
	Old Artillery Ground	1
	Tower, District of	1
	TOTAL	58
Westminster District..	Saint Margaret	30
	Saint John the Evangelist..	27
	TOTAL	57
Greenwich District ..	Saint Paul Deptford, including Hatcham	21
	Saint Nicholas Deptford	6
	Greenwich	30
	TOTAL	57
Wandsworth District..	Clapham	18
	Tooting Graveney	3
	Streatham	9
	Saint Mary Battersea, excluding Penge..	12
	Wandsworth	9
	Putney, including Roehampton	6
	TOTAL	57
Hackney District ..	Hackney	51
	Saint Mary Stoke Newington	6
	TOTAL	57
Saint Giles District ..	Saint Giles in the Fields	27
	Saint George Bloomsbury..	21
	TOTAL	48

PART I.—(*continued*).

Name of District.	Parishes.	Number of Members to be elected to District Board.
Holborn District ..	Saint Andrew Holborn above Bars ..	24
	Saint George the Martyr	9
	Saint Sepulchre, in the County of Middlesex	6
	Saffron Hill, Hatton Garden, Ely Rents, and Ely Place	9
	The Liberty of Glasshouse Yard.. ..	1
	TOTAL	49
Strand District ..	Saint Anne Soho	18
	Saint Paul Covent Garden	9
	Saint John the Baptist Savoy, or Precinct of the Savoy	1
	Saint Mary-le-Strand	3
	Saint Clement Danes	15
	Liberty of the Rolls	3
	TOTAL	49
Fulham District ..	Saint Peter and Saint Paul Hammersmith	24
	Fulham	15
	TOTAL	39
Limehouse District ..	Saint Anne Limehouse	15
	Saint John Wapping	3
	Saint Paul Shadwell	6
	Ratcliffe, Hamlet of	12
	TOTAL	36
Poplar District ..	All Saints Poplar	24
	Saint Mary Stratford-le-Bow	9
	Saint Leonard Bromley	15
	TOTAL	48
Saint Saviour's District	Christchurch..	15
	Saint Saviour (including the Liberty of the Clink)	24
	TOTAL	39

PART II.

Districts united for electing One Member of the Metropolitan Board of Works.

Name of District.	Parishes.	Number of Members to be elected to District Board.
Plumstead District ..	Charlton next Woolwich	9
	Plumstead	12
	Eltham	6
	Lee	9
united with	Kidbrooke	1
	TOTAL	37
Lewisham District ..	Lewisham, including Sydenham Chapelry	24
	Hamlet of Penge	3
	TOTAL	27

PART III.

Parish and District united for electing One Member of the Metropolitan Board of Works.

The Parish of Rotherhithe, united with Saint Olave District	Saint Olave	12
	Saint Thomas Southwark	1
	Saint John Horsleydown	15
	TOTAL	28

SCHEDULE (C.)

The Close of the Collegiate Church of Saint Peter.
The Charter House.
Inner Temple.
Middle Temple.
Lincoln's Inn.
Gray's Inn.
Staple Inn.
Furnival's Inn.

22 & 23 Vict., Cap. 66.

SALE OF GAS ACT, 1859.

22 & 23 Vict., Cap. 66. An Act for regulating Measures used in Sales of Gas. (*a*)

[13th August 1859.]

[Preamble and introductory words repealed by Statute Law Revision Act, 1892.]

Interpretation of Words "Meter" and "Person."

I. In construing this Act the Word "Meter" shall mean Gas Meter, and shall include every Kind of Machine used for measuring Gas; and the Word "Person" shall include Corporations.

Fixing Unit of Measure.

II. * * * The only legal Standard or Unit of Measure for the Sale of Gas by Meter shall be the Cubic Foot containing 62.321 Pounds Avoirdupois Weight of distilled or Rain Water weighed in Air at the Temperature of Sixty-two Degrees of Fahrenheit's Thermometer, the Barometer being at Thirty Inches, * * *

[Words omitted repealed by Statute Law Revision Act, 1892.]

Models of Measures to be made and verified under the Direction of the Treasury (*b*).

III. [*Models of Gasholders measuring the said Cubic Foot, and such Multiples and Decimal Parts thereof as the Lord High Treasurer or Commissioners of the Treasury* (*b*) *shall judge expedient, to be made within Three Months after the passing of this Act.* (*c*)] From Time to Time * * * Models of such * * * Multiples and Decimal Parts of the said Cubic Foot as the Lord High Treasurer or the said Commissioners (*b*) shall from Time to Time think expedient, shall be carefully made, with proper Balances, Indices, and Apparatus, for testing the Measurement and Registration of Meters, and such Models shall be verified under the Direction of the Lord High Treasurer or the said Commissioners (*b*), and when so made and verified shall be deposited in the Office of the Comptroller General of the Exchequer at Westminster (*b*); and Copies of the Models

Models to be deposited.

(*a*) Short Title, "The Sale of Gas Act, 1859." See Short Titles Act, 1896, s. 1.

(*b*) For Treasury and Comptroller General of the Exchequer, now read Board of Trade. See Weights and Measures Act, 1878, s. 33, p. 315. For saving as to models of gasholders hereunder, see same Act, s. 66, and for application of provisions of such Act and of the Weights and Measures Act, 1889, to the verification and reverification of local standards, see last-named Act, s. 15, p. 364.

(*c*) The words in italics, as giving the effect of the amendment by the Statute Law Revision Act, 1892, are taken from the Second Revised Edition of the Statutes, Vol. 10, printed under the Authority of Her late Majesty's Stationery Office, 1895.

22 & 23 Vict., Cap. 66.

so from Time to Time deposited, verified as aforesaid, shall be sent to the Lord Mayor of London, and the Chief Magistrate of Edinburgh and Dublin, and to the Chief Magistrate of such other Cities and Boroughs, and to such other Places and Persons in Her Majesty's Dominions, as the said Lord High Treasurer or the aforesaid Commissioners (*a*) may from Time to Time direct; and the said Lord High Treasurer or the said Commissioners shall appoint a competent Person or Persons to design and make, subject to the Approval and by Direction of such Lord High Treasurer or the said Commissioners, Stamps of a uniform Design to be used for stamping Meters throughout the United Kingdom, with only such Variations of Numbers or Marks thereon as shall be sufficient to distinguish each Inspector's District.

Copies of the Models of Gasholder to be provided by Order of General or Quarter Sessions (*a*) in England, and by Meetings of Justices in Scotland.

IV. In England at some General or Quarter Sessions of the Peace (*b*) within Nine Months next after the passing of this Act the Justices of the Peace of every County, Riding, or Division, or County of a City or County of a Town, in General or Quarter Sessions assembled, and in such Boroughs as may adopt this Act, as herein-after provided, the Town Council at the Meeting next after such Adoption, and in Scotland the Justices of the Peace at a Meeting to be called for the Purpose by the Sheriff of each County, and the Magistrates of each Royal Burgh, within Nine Months after the passing of this Act, and so from Time to Time at any subsequent General or Quarter Sessions or Meeting so called, shall determine the Number of Copies of the said Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, which they shall deem requisite for the testing of Meters within their respective Jurisdictions, and shall direct that such Copies, verified and stamped at the Exchequer, together with such Number of Stamps for stamping Meters as they shall deem requisite, shall be provided for the Use of the same, and shall fix the Places at which such Copies

(*a*) See note (*b*), p. 125.

(*b*) As to bringing of Act into operation, see also Sale of Gas Act, 1860, s. 1, p. 155, and Sale of Gas (Scotland) Act, 1864, s. 1, p. 177. For transfer of administrative business to County Councils from Quarter Sessions, and from authorities of English boroughs with population under 10,000 at census of 1881, see Local Government Act, 1888, ss. 3 (xiii.), 39 (1) (d), pp. 361, 362, and Local Government (Scotland) Act, 1889, s. 11, p. 365; also, as regards the Metropolis, Metropolis Gas Act, 1861, s. 1, p. 160, and Local Government Act, 1888, s. 40. (8), p. 362. As to copies of models, see note (*b*) to s. 3.

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Appointment of Inspectors.

and Stamps shall be deposited, and shall appoint a sufficient Number of Inspectors of Meters for the safe Custody of such Copies and Stamps, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and from Time to Time, when necessary, shall subdivide and re-allot such Districts, and all such Districts shall be distinguished by the Number or Mark applied thereto on such Stamps, and they shall direct what reasonable Remuneration shall be paid to such Inspectors for the Discharge of such Duties as they shall have been ordered by such Justices or Town Council or Magistrates as aforesaid to perform, and they are hereby empowered to suspend or dismiss any Inspectors so appointed, or to appoint additional Inspectors as Occasion may require: Provided always, that nothing herein contained shall extend to compel any Town Council in England or Royal Burgh of Scotland, except such as are County Towns, wherein Gas is used, to provide Copies of the said Models and Stamps, or to appoint an Inspector or Inspectors for the Performance of the Duties prescribed by this Act; and that it shall be lawful for the Justices of the Peace in any County, and for the Magistrates of any Royal Burgh within such County, where they shall agree, to unite the whole or a Portion of the County with such Royal Burgh, and to appoint One Inspector therefor, and to provide at their joint Expense Copies of the said Models and Stamps to be used within such united Districts: Provided always, that in every Borough in England where there is a Town Council, not being a Manufacturer or Seller of Gas, it shall be lawful for such Town Council within Six Months after the passing of this Act, after One Month's Notice duly given in the Manner in which Notices are usually published by such Town Council, to adopt this Act, if the Majority of the Members present at any Council Meeting at which the Subject is appointed to be considered shall so determine; and if no Resolution to that Effect shall be passed within such Time, then the Justices aforesaid, at their next practicable General or Quarter Sessions after the Expiration of such Six Months, shall in reference to any Borough not so adopting this Act carry this Act into effect; and in all Boroughs as aforesaid in which the Town Council is a Manufacturer or Seller of Gas, the Justices of such Boroughs shall have such and the like Powers of adopting and carrying into effect the Provisions of this Act within such Boroughs as by this Act are given to Town Councils not being Manufacturers or Sellers of Gas.

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Models and Copies of Gasholders to be provided by Town Councils, TownCommissioners, &c., and Inspectors appointed.

V. In Ireland the Town Council or Town Commissioners of every Borough and Town, such Town Council or Commissioners not being Manufacturers or Sellers of Gas, shall at a Meeting of the Town Council or Commissioners to be held within Nine Months after the passing of this Act, and so from Time to Time at any subsequent Meeting, determine the Number of Copies of the said Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, which they shall deem requisite for the testing of Meters within their Towns or Boroughs respectively, and shall direct that such Copies, verified and stamped at the Exchequer, together with such Number of Stamps for stamping Meters as they shall deem requisite, shall be provided for the Use of the same, and shall fix the Places at which such Copies and Stamps shall be deposited, and shall appoint a sufficient Number of Inspectors of Meters for the safe Custody of such Copies and Stamps, and for the Discharge of the other Duties herein-after mentioned, and shall allot to each Inspector a separate District, and from Time to Time, when necessary, shall subdivide and re-allot such Districts, and shall direct what reasonable Remuneration shall be paid to such Inspectors, and they are hereby empowered to suspend or dismiss any Inspector so appointed, or to appoint additional Inspectors from Time to Time as Occasion may require; and in all Boroughs and Towns in which the Town Council or Town Commissioners shall be Manufacturers or Sellers of Gas, the Justices of such Boroughs and the Grand Jury of the County in which such Boroughs or Towns not having a separate Commission of the Peace shall be situate respectively shall have such and the like Powers as by this Act are given to the Town Council and Town Commissioners not being Manufacturers or Sellers of Gas for carrying into effect the Provisions of this Act within such Boroughs and Towns: Provided always, that the Jurisdictions of such Town Council and Town Commissioners, Justices, and Grand Juries respectively shall extend to all Meters out of such Boroughs or Towns for measuring Gas manufactured at any Gasworks by which any such Borough or Town shall be supplied with Gas.

[As to bringing of Act into operation, see also Sale of Gas Act, 1860, s. 1, p. 155 For transfer of business of Grand Juries in Ireland to County Councils, see Local Government (Ireland) Act, 1898, s. 4 (1), p. 478. As to copies of models, see note (*b*) to s. 3.]

Officers of the Exchequer at Westminster.

VI. The Copies of the said Models so directed by the said Justices, Magistrates, or Town Council to be verified and stamped at the Exchequer shall be compared with

the Models deposited with the Comptroller General of the Exchequer as aforesaid (*a*), and if correct shall be verified and stamped by the Comptroller General, or some other Officer of the Exchequer at Westminster, duly authorized, * * * and no Stamp Duty shall be payable thereon. 22 & 23 Vict., Cap. 66. to stamp Copies of Models.

[Words omitted from s. 6 repealed by Standards of Weights, Measures, and Coinage Act, 1866, s. 14. Such s. 14 repealed by Statute Law Revision Act, 1875 (29 & 30 Vict., c. 82), but see Interpretation Act, 1889, s. 11. (1.), p. 369.]

VII. The Expense of providing and transmitting such Copies of Models of Gasholders, with proper Balances, Indices, and Apparatus as aforesaid, and of the Stamp to be used by the Inspectors, and the Remuneration to the Inspectors, shall be paid in England out of the Stock raised in such Counties, Ridings, Divisions, Counties of Cities or Counties of Towns, and in Boroughs out of any Funds applicable to Lighting Purposes, and if no such Funds then out of the Borough Fund; and in Scotland such Expenses in the respective Shires and Stewartries, and Cities or Royal Burghs, shall be assessed by the Commissioners of Supply upon such Shires and Stewartries, and upon Cities or Royal Burghs by the Magistrates thereof, according to the Real Rent of Lands and Heritages as appearing on the Valuation Roll of such Shires, Stewartries, and Burghs respectively, and in such Manner and by such Persons as the said Commissioners of Supply and Magistrates respectively may determine and appoint, and such Assessments shall be collected under the same Powers of levying and Recovery as are competent for levying and recovering the Land Tax: Provided always, that in the City of London the Expenses and Remuneration aforesaid shall be paid out of the Consolidated Rate raised by the Commissioners of Sewers (*b*) of the City of London, and in Ireland such Expenses in the respective Boroughs and Towns shall be provided for and paid respectively out of any Funds applicable to Lighting Purposes, and if no such Fund then out of any other Borough or Town Fund. Expense of providing Copies of Models and Remuneration of Inspectors defrayed out of County Rates, &c.

VIII. No Maker, Repairer, or Seller of Meters or of Gas, or Person employed in the making, repairing, or selling of Meters or Gas, shall be an Inspector of Meters under the Provisions of this Act; and every Inspector shall forthwith enter into a Bond or Recognizance to the Queen, to be sued for in any Courts of Record, in such Sum, and either with or without a Surety or Sureties, as No Maker or Seller of Meter, or Person in the Service of any Gas Company or Manufacturer of Meters or Gas, to be an Inspector.

(*a*) See note (*b*), p. 125.

(*b*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

22 & 23 Vict., Cap. 66.

Inspector to enter into Recognizances.

the Justices, Magistrates, Town Council, or other Persons by whom he may have been appointed shall fix, for the due and punctual Performance of the Duties of his Office, and for the due and punctual Payment at such Time or Times as he may be directed by the Justices, Magistrates, Town Council, or other Persons by whom he may have been appointed, of all Fees received by him under the Authority of this Act, and for the Safety of the said Copies of Models and Stamps committed to his Charge, and for their due Restoration and Surrender to such Person or Persons as may be appointed to receive them by the Justices, Magistrates, Town Council, or other Persons aforesaid immediately on his Removal or other Cessation from Office.

Inspectors to attend at Towns where Gas is consumed, when required by Justices.

IX. In England the Justices in General or Quarter Sessions assembled, (*a*) or the Town Council in Boroughs adopting this Act at any Meeting thereof, and in Scotland the Justices or Magistrates at a Meeting called for the Purpose, and in Ireland the Town Council or Town Commissioners of any such Borough or Town as aforesaid, shall determine and appoint on what Days, at what Hours, and what Places each and every Inspector shall attend with the said Copies of Models and Stamps in his Custody at each of the several Towns and Districts within their respective Jurisdictions as they shall deem expedient; and every such Inspector so attending shall examine, test, and, if found correct, stamp all such Meters as shall be required under the Provisions of this Act to be so examined, tested, and stamped, and shall deface or destroy the Stamp on any Meter tested and found incorrect under the Provisions of this Act, and he shall keep a Book wherein he shall enter Minutes of all such Examinations and Testings, with the Numbers of Identity and Capacity marked by the Manufacturer on such Meters, and give, if required, a Certificate under his Hand of every such Stamping and Defacing; and every Inspector shall once in every Quarter of a Year account to the Treasurer of the County, Riding, Division, County of a City or County of a Town, or Borough or Town, or to such other Person as shall be duly authorized by those by whom he may have been appointed, for all Fees received by him under this Act, and shall pay the Amount thereof to such Treasurer as aforesaid, who shall account for the same.

Inspector to pay Fees to Treasurer of County, &c.

(*a*) For transfer of administrative business from Quarter Sessions, &c. to County Councils, see note (*b*), p. 126.

22 & 23 Vict. Cap. 66.

Meters when stamped need not be re-stamped.

X. No Meter duly stamped under the Authority of this Act shall be liable to be re-stamped, although the same be used in any other Place than that at which the same was originally stamped, but shall be considered as a legal Meter throughout the United Kingdom, unless found to be incorrect within the Meaning of this Act.

Penalty on Inspector for Misconduct.

XI. In case any Inspector of Meters shall stamp any Meter without duly testing and finding the same to be correct, or shall refuse, or for Three Days after being so required under the Provisions of this Act neglect, without lawful Excuse, to test any Meter or to stamp any Meter found to be correct on being so tested, or shall be guilty of a Breach of any Duty imposed upon him by this Act, or shall otherwise misconduct himself in the Execution of his Office, every such Offender shall upon Conviction forfeit a Sum not exceeding Five Pounds for every such Offence.

Meters not to be stamped if incorrect by more than Two per Cent. in favour of the Seller or Three per Cent. in favour of the Consumer; and to be stamped if erroneous to no greater Extent (*a*).

XII. No Meter shall be stamped which shall be found by the Inspector to register, or be capable of being made by any Contrivance for that Purpose, or by Increase or by Decrease of the Water in such Meter, or by any other Means practically prevented in good Meters, to register, Quantities varying from the true Standard Measure of Gas more than Two per Centum in favour of the Seller or Three per Centum in favour of the Consumer; and every Meter, whether stamped or unstamped, which shall be found by such Inspector to register or be so capable of being made to register Quantities varying beyond the Limits aforesaid, shall be deemed incorrect within the Meaning of this Act; and every Meter which shall be found by such Inspector to measure and register Quantities accurately, or not varying beyond the Limits aforesaid, and shall be found incapable by any such Means as aforesaid of being made to register Quantities varying beyond the Limits aforesaid, shall be considered to be correct, and be stamped as aforesaid in such Manner and on such Part of the Meter as shall be specially directed by the Authority appointing him, or in default of such Direction as shall in his Opinion best prevent Fraud: Provided always, that every Meter having a measuring Capacity at One Revolution or complete Action of the Meter of not less than Five Cubic Feet, and having permanently marked upon it in some conspicuous Place the

Certain Meters incorrect against the Seller of Gas may be used by Agreement.

(*a*) This marginal note is in its corrected form, as rendered in the second revised edition of the Statutes referred to in note (*c*), p. 125.

22 & 23 Vict., Cap. 66.

Words "without Float," shall be stamped by the Inspectors, if found correct, within the Meaning of this Act, in all other respects except that it is capable of being made by Abstraction of Water to register incorrectly against the Seller of Gas, but it shall not be lawful after the Time aforesaid to use in the Sale of Gas any such Meter, when so stamped by the Inspector, except by written Agreement between the Buyer and Seller specifying that this Description of Meter shall be used.

Rules for testing Meters.

XIII. The following Rules shall be observed by the Inspector in testing Meters under the Provisions of this Act:

Firstly, the Meter shall be tested for Soundness or Leakage only, and not for Per-centage of Error, when fixed on a horizontal Base, and with Gas under a Pressure equal to a Column of Water Three Inches high, with a Light or Lights consuming not more than One Twentieth Part of its measuring Capacity per Hour marked thereon, nor less than One Half of a Cubic Foot per Hour, for all Meters of a measuring Capacity not exceeding One hundred Cubic Feet per Hour, and not more than One Fortieth Part of its said measuring Capacity per Hour for all Meters of any greater measuring Capacity per Hour than One hundred Cubic Feet; and all Meters found to work under such Test shall be deemed sound Meters, and any Meter found not to work under such Test shall not be stamped:

The Meter to be tested for Per-centage of Error shall be fixed on a horizontal Base, and shall be tested at a Pressure equal to a Column of Water Five Tenths of an Inch high, and passing the Quantity of Gas or Atmospheric Air per Hour which shall be marked thereon as its measuring Capacity per Hour, and the Water used in such Testing, and the Air of the Room in which such Testing shall be made, shall be as nearly as practicable of the same Temperature as the Gas or Air passed through the Meter.

Penalty for counterfeiting Stamps.

XIV. If any Person or Persons shall make, except under the Authority of this Act, or forge or counterfeit, or cause or procure to be made, except as aforesaid, or forged or counterfeited, or knowingly act or assist in the making, except as aforesaid, or forging or counterfeiting, any Stamp or Mark which may be hereafter used for the stamping or marking of any Meter under this Act, every Person so offending shall for every such Offence forfeit

on Conviction a Sum not exceeding Fifty Pounds or less than Ten Pounds; and if any Person shall knowingly sell, utter, or dispose of, let, lend, or expose to Sale, any Meter with such forged Stamp or Mark thereon, every Person so offending shall for every such Offence forfeit on Conviction a Sum not exceeding Ten Pounds or less than Forty Shillings, and all Meters with such forged or counterfeited Stamps shall be forfeited and destroyed. 22 & 23 Vict., Cap. 66.

XV. Any Person who shall knowingly repair or alter, or knowingly cause to be repaired or altered, or knowingly tamper with, or do any other Act in relation to any stamped Meter so as to cause such Meter to register unjustly or fraudulently, or who shall pervent or refuse to allow lawful Access to any Meter in his Possession or Control, or the Supply of Water thereto as herein-after provided, or shall obstruct or hinder any Examination or Testing authorized by this Act of any such Meter, shall on Conviction forfeit a Sum not exceeding Five Pounds, pay the Fees for removing and testing, and the Expense of purchasing and fixing a new Meter; provided that the Payment of any such Penalty as aforesaid shall not exempt the Person paying from Liability to Indictment or other Proceeding at Law to which he would otherwise be liable, or deprive any Person of the Right to recover Damages against such Person for any Loss or Injury sustained by such Act or Default. Penalty for obstructing Inspector.

XVI. Every Consumer of Gas may purchase and use for the Measurement of the Gas supplied to him any Meter duly stamped under the Authority of this Act, provided that the Gas to be consumed per Hour shall not exceed the Quantity per Hour the Meter is intended to measure, so marked on the Outside thereof as aforesaid. Consumers may use any stamped Meter.

XVII. After the Expiration of Ten Years from the passing of this Act all Meters whatsoever not previously stamped which shall be used for buying and selling Gas, or for the collecting of any Rates or Duties, or for making any Charges on the Passage, Transmission, or Conveyance of Gas, shall be examined and tested under the Authority of this Act, and stamped if found correct; and every Person who shall after the Times respectively fixed by this Act knowingly use any Meter which has not been so stamped as aforesaid shall on Conviction forfeit a Sum not exceeding Five Pounds, and any Contract, Bargain, or Sale made by any such Meter shall be void; and every such Meter so used shall, on being discovered by any Inspector so appointed as aforesaid, be seized, and, on After Ten Years all Meters to be stamped.

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Conviction of the Person knowingly using or possessing the same, shall be forfeited and destroyed.

After Twelve Months no Meter to be sold &c. unless stamped; andunstamped Meters may be stamped if required, or stamped Meters substituted, at the expense of the Person requiring it.

XVIII. No Meter for the Purpose of ascertaining the Quantity of Gas sold shall be fixed for Use after the Expiration of Twelve Months after the passing of this Act, unless the same shall have its measuring Capacity at One Revolution or complete Action of the Meter, and also the Quantity per Hour it is intended to measure in Cubic Feet, or Multiples or Decimal Parts of a Cubic Foot, denominated or marked on the Outside thereof in legible Letters or Figures, and shall be stamped by an Inspector of Meters under the Provisions of this Act; and every Person who after the Expiration of such Twelve Months shall fix for Use any such Meter before it has been so stamped shall be liable to a Penalty of Five Pounds for every such unstamped Meter; and all Meters required to be tested and stamped, except as herein-after mentioned, shall be delivered to the Inspector at the Place where his testing Gasholder and Apparatus may be kept; and every Purchaser and Seller of Gas by Meter may, at his own Expense, at any Time after the Expiration of the said Twelve Months, require any unstamped Meter by which his Gas is measured to be examined, tested, and, if found correct, stamped, or he may at his own Expense substitute a stamped Meter in the Place of any such unstamped Meter: Provided always, that such Purchaser or Seller of Gas shall before Removal of any such unstamped Meter for the Purposes aforesaid give Twenty-four Hours Notice in Writing of such intended Removal to the other Party to the Contract.

Fees for testing and stamping Meters.

XIX. The Fees for Examination, Comparison, and testing, with or without stamping, Meters, shall be Sixpence for each Meter delivering a Cubic Foot of Gas in Four or more Revolutions or complete Repetitions of the Action of the Meter, and One Shilling for each Meter delivering a Cubic Foot of Gas by any less Number of Revolutions or complete Actions, or One Revolution or complete Action, and for each Meter delivering more than One Cubic Foot of Gas by One Revolution or complete Action the further Sum of One Shilling for every Cubic Foot of Gas delivered at One Revolution or complete Action beyond the First Cubic Foot.

Power to Justices and Inspectors to enter Houses, &c., and

XX. In England and in such Boroughs and Towns as aforesaid in Ireland it shall be lawful for any Inspector authorized in Writing under the Hand of any Justice of the Peace in England or Ireland, or of any Sheriff, Justice,

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inspect Gas Measures and Meters.

or Magistrate in Scotland, at the Request and Expense of any Buyer or Seller of Gas, who shall have given Twenty-four Hours Notice in Writing to the other Party to the Contract, at all seasonable Times to enter any House or Shop, Store, Warehouse, Still, Yard, or Place whatsoever within his Jurisdiction where any Meter, whether stamped or unstamped, shall be fixed or used, and to examine and test the same, and if necessary for such Purpose to remove such Meter, doing as little Damage thereby as may be; and if upon such Examination and Testing it shall appear that any such Meter is incorrect within the Meaning of this Act, or fraudulent, the same shall not be refixed or used again unless and until altered and repaired so as to measure and register correctly, and stamped; and the Fees on such Removal, Examination, and Testing of a Meter, whether stamped and replaced or not, shall be double the Fees herein-before made payable for testing and stamping, and shall be payable by the Buyer or Seller of Gas as the Justice of the Peace in England or Ireland, or the Sheriff, Justice, or Magistrate in Scotland, as the Case may be, shall determine, and shall be recoverable accordingly: Provided always, that in case the Head Office of the Person or Company to whom such Notice is to be given shall be more than Twenty Miles distant from the Meter referred to in such Notice, Three Days Notice in writing shall be given instead of Twenty-four Hours Notice as aforesaid; and provided also, that any Person duly authorized by any Company or Persons selling Gas by Meter may supply Water to any Meter, so as to keep the Water at the correct Level.

Disputed Decision of Inspector to be referred to Two Inspectors of adjoining Districts, &c.

XXI. In case of any Dispute between the Buyer and Seller of Gas by Meter, or between any Owner of a Meter and any Inspector of Meters under this Act, respecting the Correctness of any Meter, the Inspector shall, if required by any such Person dissatisfied with his Decision, give such Party his Reasons in Writing for such Decision, and such Party may require such Meter to be examined and re-tested by Two Inspectors of adjoining or neighbouring Districts, to be named by any Justice of the Peace having Jurisdiction in the District where such Meter shall have been tested; and the unanimous Decision of such last-mentioned Inspectors shall be final as to the Correctness or Incorrectness of such Meter, except in case of Appeal to the General or Quarter Sessions; and in case such Two Inspectors shall not agree, the Decision of the Inspector of the District to which such Meter belongs shall be considered final, except in case of Appeal to the General

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or Quarter Sessions, as herein-after provided; and the Expenses of the Proceedings to be taken under the Powers hereby granted shall be ascertained by the Justice, who shall also determine by and to whom the same shall be paid, and such Expenses may be recovered in any Court of competent Jurisdiction.

Persons aggrieved may appeal to Quarter Sessions.

XXII. In England and in such Boroughs and Towns as aforesaid in Ireland all Persons who may think themselves aggrieved by any Act or Decision of any Inspector or Inspectors of Meters, or by any Order, Judgment, or Determination of any Justice of the Peace, Mayor, or Chief Magistrate, relating to any Matter or Thing in this Act mentioned or contained, may appeal to the Justices of the Peace, Recorder, or other presiding Officer at the then next practicable General or Quarter Sessions [to be held for the City, Borough, or County within which the alleged Cause of Appeal shall arise, first giving Seven Days Notice in Writing of such Intention to appeal, and the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace, Mayor, or other Chief Magistrate, with Two sufficient Sureties, conditioned to try such Appeal and abide the Order and Award of the said Court thereon; and the said Justices, Recorder, or other presiding Officer shall either hear and determine the said Complaints at such General or Quarter Sessions, or, if they think proper, shall adjourn the Hearing thereof till the following General or Quarter Sessions of the Peace to be held for such City, Borough, or County]; and the said Justices, Recorder, or other presiding Officer may, if they or he see cause, reverse or alter such Decision, and mitigate any Penalty or Forfeiture, [and may order any Money to be returned which may have been levied in pursuance of such Order or Determination, and may also order any such further Satisfaction to be made to the Party injured as they or he shall judge reasonable, and may also order such Costs to be paid by the Party complained against to the Party appealing, or *vice versa*, as they shall think reasonable.]

[Words within brackets in s. 22 repealed as to England by Summary Jurisdiction Act, 1884, s. 4, so far as relates to any order, judgment, or determination of a justice of the peace, mayor, or chief magistrate.]

This Act and existing Powers not to be cumulative.

XXIII. Where any Municipal Corporation, Local Board of Health, or Two or more Justices, or any other Corporation or Person now have Powers of appointing

Inspectors of Meters, and they or such Inspectors now have Powers of stamping, re-stamping, examining, or testing Meters, those Powers and the Provisions of this Act shall not be cumulative, but after the Expiration of Nine Months after the passing of this Act the Provisions of this Act shall supersede all such Powers. 22 & 23 Vict., Cap. 66.

XXIV. No Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Proceeding whatsoever into any of Her Majesty's Courts of Record at Westminster or elsewhere, any Law or Statute to the contrary notwithstanding. Proceedings not to be quashed for want of Form or removed.

XXV. (*a*) In England and in such Boroughs and Towns as aforesaid in Ireland all Fees and Penalties received and recovered under this Act shall be applied in aid of the Stock or Fund out of which the Expenses of carrying the Act into effect shall be defrayed, and in Scotland all Penalties incurred under the Provisions of this Act shall be recoverable, with Expenses, either before the Sheriff of the County or the Magistrates of the Burgh or Town Corporate wherein the same may be incurred or where the Offender may reside, or before Two or more Justices of the Peace of such County, at the Instance either of the Procurator Fiscal of Court or any Person who may prosecute for the same; and the whole Penalties, after deducting all Charges, and such Remuneration to the Person prosecuting as the said Justices shall think fit, shall be applied in aid of the Funds liable under the Provisions of this Act to the Cost of providing and maintaining Copies of the said Models in the Place where such Penalties shall be awarded; and it is hereby provided that it shall be competent for the said Courts respectively to proceed in a summary Way and to grant Warrant for bringing the Parties complained of before them, and upon Proof on Oath by One or more credible Witnesses, or on the Confession of the Offender, or on other legal Evidence, forthwith to give Judgment on such Complaint without any written Pleadings or Record of Evidence, and to grant Warrant for the Recovery of such Penalties and Expenses decerned for, failing Payment within Fourteen Days after Conviction, by Poinding, or by Imprisonment * * * (*b*) As to Recovery and Application of Penalties.

(*a*) As to recovery of penalties in England and Ireland, see also Sale of Gas Act, 1860, s. 2, p. 155.

(*b*) Words omitted repealed by Statute Law Revision Act, 1892.

22 & 23 Vict., Cap. 66.

Appeal in Scotland to Commissioners of Justiciary at Circuit Court.

XXVI. [In Scotland] * * * it shall not be competent to appeal from or to bring the Judgment of any Sheriff or Justices of the Peace acting under this Act under Review by Suspension or Reduction, * * *

[Words omitted from s. 26 repealed by Statute Law Revision Act, 1892.]

[XXVII. Limitations of Actions, &c. XXVIII. Plaintiff not to recover after Tender of Amends. Repealed, and new provisions substituted therefor, by Public Authorities Protection Act, 1893, pp. 415, 416.

METROPOLIS GAS ACT, 1860.

23 & 24 Vict., Cap. 125. An Act for better regulating the Supply of Gas to the Metropolis.

[28th August 1860.]

Whereas the following Gas Companies; (that is to say,) "The Gaslight and Coke Company," "The City of London Gaslight and Coke Company," (*a*) "The Commercial Gaslight and Coke Company," "The Equitable Gaslight Company" (*a*), "The Great Central Gas Consumers Company" (*a*), "The Independent Gaslight and Coke Company" (*a*), "The London Gaslight Company" (*a*), "The Phoenix Gaslight and Coke Company" (*b*), "The Ratcliff Gaslight and Coke Company" (*c*), "The Surrey Consumers Gas Company" (*b*), "The South Metropolitan Gaslight and Coke Company," (*d*) "The Western Gaslight Company (Limited)" (*a*), "The Imperial Gaslight and Coke Company" (*a*), or some of them, are respectively incorporated under the Authority of Parliament for the Purpose of supplying several Districts of the Metropolis with Gas; and the said Companies, instead of supplying Gas by several Mains in the same District, have agreed, as far as possible, each One to confine its Supply to a separate District, in order to economise Capital and avoid the too frequent opening of the public Streets; and, subject to the Provisions and Restrictions of this Act, it is expedient that such districting should receive the Sanction of Parliament: And whereas the Regulations to which those Companies are subject are not uniform: And whereas it is expedient that Provision be made for the due Regulation of all Companies and Per-

(*a*) Afterwards amalgamated with The Gaslight and Coke Company.

(*b*) Afterwards amalgamated with The South Metropolitan Gaslight and Coke Company (now called The South Metropolitan Gas Company). See note (*d*) hereunder.

(*c*) Afterwards amalgamated with The Commercial Gaslight and Coke Company (now called The Commercial Gas Company).

(*d*) Now called the South Metropolitan Gas Company. Name altered by s. 2 of the Scheme for the Amalgamation of the South Metropolitan Gaslight and Coke Company with the Surrey Consumers' Gas Company. See p. 544.

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sons supplying Gas within the Metropolis: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Short Title.

I. This Act may for all Purposes be cited as "Metropolis Gas Act, 1860."

10 & 11 Vict. c. 15. incorporated with this Act.

II. ["The Gasworks Clauses Act, 1847," (except so far as the Provisions thereof are inconsistent with this Act,) is incorporated with and forms Part of this Act, and shall apply to the several Companies before named or referred to as fully as if the Gasworks of the several Companies were authorized by this Act;] and the Expression "Undertakers" in the recited Act shall be held to apply to every Gas Company affected by this Act; * * * provided that the Powers vested in the Justices by the said Act shall be exercised by a Magistrate.

[Words within brackets in s. 2, so far as they relate to ss. 30-37 of the Gasworks Clauses Act, 1847, and words omitted, repealed by City of London Gas Act, 1868, s. 3, p. 187 (taken in connection with s. 109 of the Gaslight and Coke Company's Act, 1868, p. 512), South Metropolitan Gas Company's Act, 1869, s. 4, p. 531, and Commercial Gas Act, 1875, s. 3, p. 557.]

Companies and Persons to whom Act applies.

III. This Act applies to the several Gas Companies, and to all Persons already or hereafter supplying Gas within the Metropolis, except as herein-after excepted.

Interpretation of Terms.

IV. In the Construction of this Act the following Words and Expressions have the following Meanings, unless excluded by the Subject or Context; (that is to say,)

The Expression "Gas Company" or "Gas Companies" means and includes any and every Company, and any Person or Persons, supplying Gas within the Limits of this Act:

The Expression "Local Authority" includes the Metropolitan Board of Works (*a*), Vestries (*b*), and District Boards (*b*) appointed under an Act of the Session of the Eighteenth and Nineteenth Years of the Reign of Her present Majesty, Chapter One Hundred and twenty, for the Local Management of the Metropolis:

The Word "Inspector" or "Inspectors" shall mean any Metropolitan Gas Inspector or Inspectors to be appointed under this Act:

(*a*) Now London County Council. See Local Government Act, 1888, s. 40 (8), p. 362.

(*b*) Now Metropolitan Borough Councils. See London Government Act, 1899, s. 4, p. 483. As to Westminster, Council of City of Westminster. See London Gazette, October 30, 1900, as to Letters Patent constituting Westminster a City.

The Word "Consumer" means a Person receiving or entitled, in accordance with this Act, to receive a Supply of Gas from any Gas Company: 23 & 24 Vict., Cap. 125.

The Word "the Metropolis" has the same Meaning as in the said Act of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty:

The Word "District" means, with respect to every Gas Company supplying Gas wholly or in part within the Metropolis, the District, so far as it is within the Metropolis, within which the Gas Company are from Time to Time authorized to supply Gas, and means, with respect to any Person or Persons not being a Gas Company, but supplying Gas wholly or in part within the Metropolis, the District within the Metropolis within which he or they shall from Time to Time as a Trade or Business supply Gas:

The Word "Street" includes Square, Court, Alley, Highway, Lane, Road, Thoroughfare, and public Passage or Place:

The Word "Premises" includes public and private Messuages, and other Buildings, Lands, and Tenements whatsoever:

The Word "the Gasworks" means the Works of the respective Gas Companies, and the Works connected therewith:

The Word "Rate" includes all Rents and other Payments for a Supply of Gas:

The Word "Meter Rent" includes all Rents and other Payments for the Use of Gas Meters:

The Word "Magistrate" means any Police or Stipendiary Magistrate acting in and for the District of the Metropolis in which the Matter referred to him arises, and in the City of London and the Liberties thereof shall mean any Justice of the Peace for the City of London and the Liberties thereof:

The Words "Common Gas" shall mean Gas of an illuminating Power [herein-after defined] of not less than Twelve Candles: (*a*)

The Words "Cannel Gas" shall mean Gas of an illuminating Power [herein-after defined] of not less than Twenty Candles. (*a*)

(*a*) These definitions repealed as to Commercial Gas Company by that Company's Act, 1875, s. 3, p. 557. As to words within brackets, s. 25 of this Act, defining Illuminating Power, is repealed as stated thereunder. For provisions in force as to Illuminating Power, see Gaslight and Coke Company Act, 1876, s. 25, p. 521, South Metropolitan Gas Company's Acts, 1876, s. 26, p. 539, and 1900, ss. 5 (1), 6, pp. 550, 551, and Commercial Gas Acts, 1875, ss. 6, 52, pp. 558, 560, and 1902, s. 12 (1), p. 571.

23 & 24 Vict., Cap. 125.

Limits of Act.

V. The Limits of this Act shall be the Metropolis: Provided always, that this Act and the several Clauses and Provisions thereof shall not extend or apply or be construed to extend or apply to the several Gas Companies set forth and enumerated in the Schedule annexed to this Act; provided also, that the Districts severally specified and described in the Acts and Instrument of Incorporation respectively mentioned in the said Schedule, or within which the said Companies or any of them are now supplying Gas, (notwithstanding the said Districts, or any Portions thereof, are or may be within the Limits of the Metropolis as defined by this Act,) shall not be included or deemed to be included in the Expression "the Metropolis," or any Extension thereof which may hereafter be made, under the Provisions of the herein-before mentioned Act of the Eighteenth and Nineteenth Victoria, Chapter One hundred and twenty; provided also, that if the said Companies or any of them shall supply Gas in Parts of the Metropolis other than those within their respective Districts as defined in the said Schedule, then the Provisions of this Act shall be held to apply to such Companies respectively so far only as regards such extended Limits as may be within the Metropolis.

Sanctioning Assignment of Districts to Gas Companies to be subject to triennial Revision.

VI. The Limits of each of the said Companies shall be the respective Districts supplied with Gas by such Companies as the same are defined upon Four duplicate Maps, signed by the Right Honourable Thomas Henry Sutton Sotheron Estcourt, and which Maps have been severally deposited with the respective Clerks of the Peace for the Counties of Middlesex, London, Surrey, and Kent; provided that at the Expiration of Three Years next after the passing of this Act, and of every Three Years thereafter, [Her Majesty's Principal Secretary of State for the Home Department for the Time being (*a*)] may, either upon the Application and with the Consent of any Two or more of the said Gas Companies whose Districts adjoin one another, make any Alteration in the Boundaries of such Districts, or, upon the Application of any Local Authority, or upon the Requisition of not less than Twenty Gas Consumers within any District or Districts proposed to be affected, and upon Proof to his Satisfaction being given that any of the said Gas Com-

(*a*) Now Board of Trade. See City of London Gas Act, 1868, s. 3, p. 187 (taken in connection with s. 109 of The Gaslight and Coke Company's Act, 1868, p. 512), South Metropolitan Gas Company's Act, 1869, s. 4, p. 531, and Commercial Gas Act, 1875, s. 3, p. 557.

panies are not in a Condition adequately to supply with Gas their respective Districts, or have substantially failed to fulfil the Obligations imposed by this Act, may make such Alterations in the Boundaries of such Districts, or admit any new Company respectively, as he thinks proper; and all such Alterations shall be certified on One or more Maps, to be signed by the said [Secretary of State (*a*)], and deposited with One or more of the said Clerks of the Peace; and such last-mentioned Map or Maps shall be binding on all Parties, and the Provisions of this Act shall be held to apply to the several Districts, when so altered, and to the several Companies affected thereby, as fully and effectually as if no Alteration in such Districts had been made, and no other Company or Person than the Company to whom such Limits are for the Time being assigned or shall hereafter be assigned shall supply Gas for Sale within the said Limits, unless authorized by Parliament so to do; provided that before proceeding to consider the Necessity for altering any of the said Districts the said [Secretary of State (*a*)] shall cause at least One Month's Notice to be given of such Application to all Parties interested therein or affected thereby, and such Notice shall state the Day and Hour when and the Place where such Application will be considered; and Notices to be given to any Gas Company shall be left with the Secretary or some other principal Officer of the Company, and Notices to be given to any Local Authority shall be left with the Clerk or some other principal Officer of the said Local Authority. 23 & 24 Vict., Cap. 125.

[VII.-XII. repealed by City of London Gas Act, 1868, s. 3, p. 187 (taken in connection with s. 109 of the Gaslight and Coke Company's Act, 1868, p. 512), South Metropolitan Gas Company's Act, 1869, s. 4, p. 531, and Commercial Gas Act, 1875, s. 3, p. 557.]

XIII. All the Costs, Charges, and Expenses of and incident to any Inquiry and Decision of the said [Secretary of State (*a*)] under this Act shall from Time to Time be borne and paid by such Parties as the said [Secretary of State (*a*)] shall direct, and such Decision may, upon an ex-parte Application, be made a Rule of any of Her Majesty's Superior Courts of Law at Westminster. Cost of altering District.

(*a*) Now Board of Trade. See City of London Gas Act, 1868, s. 3, p. 187 (taken in connection with s. 109 of The Gaslight and Coke Company's Act, 1868, p. 512), South Metropolitan Gas Company's Act, 1869, s. 4, p. 531, and Commercial Gas Act, 1875, s. 3, p. 557.

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Gas Companies to provide Pipes, and supply Gas and Meters at prescribed Rents.

XIV. Every Gas Company from Time to Time supplying Gas within any District shall, as to any Premises or Street within such District not already supplied with Gas, and which shall lie within Fifty Yards of any existing Mains, at their own Expense, on being required by the Owner or Occupier of any Premises within the District or in part within the District, who shall contract for not less than Two Years to pay Gas Rates in respect of such Supply to an Amount equal to Twenty per Cent. upon the Outlay, provide and lay all proper and sufficient Communication, Service, and other Pipes up to the Premises of such Owner or Occupier to communicate with the Gas Company's Mains, and shall, if so required by the Owner, Occupier, or Local Authority, furnish him or them, at the Rate prescribed by this Act, with a Supply of Gas for the Purpose of being used in or on the Premises, or for lighting the Street, and, if so required by the Owner or Occupier, furnish him with One or more Meters for ascertaining the Quantity of Gas consumed; provided that the Gas Company shall not be bound to supply more than One Meter for each Consumer occupying a separate Dwelling or Apartment, nor any Meter exceeding a Five-Light Meter; provided also, that the Meter Rent which the said Company shall be entitled to claim for such Meter which the said Company shall be entitled to claim for such Meter shall not exceed Ten per cent. on the net Cost of such Meter; * * *

[Final proviso to s. 4, here omitted, repealed by Statute Law Revision Act, 1875.]

Security to be given to Gas Company, if required. (*a*)

XV. (*a*) Provided, That the Owner or Occupier, if so required in Writing by the Gas Company or any of their Officers, shall, before he is entitled to have the Pipes provided and laid, or to have a Supply of Gas or of Meters furnished, give to the Gas Company such Security for the Payment of the Rate for the Gas to be supplied to him, and of the Meter Rent for every Meter to be supplied to him, as he and the Gas Company agree on.

Differences as to Security to be determined by a Magistrate. (*a*)

XVI. (*a*) Provided, That if the Owner or Occupier and the Gas Company cannot agree thereon, the Security to be given shall be determined by a Magistrate; and any single Magistrate shall, on the Application of the Owner or Occupier and the Gas Company, or either of them, determine the Nature and Amount of the Security to be given; and the Security may, as the Magistrate thinks fit, be the Deposit with the Gas Company, or with any Person approved by the Magistrate, or the Prepayment to

(*a*) For further application of ss. 15 and 16, see Gaslight and Coke Company's Act, 1870, s. 13, p. 514, South Metropolitan Gas Company's Act, 1869, s. 72, p. 533, and Commercial Gas Act, 1875, s. 77, p. 566.

the Gas Company, of a Sum of Money or any other Security which the Magistrate thinks sufficient and reasonable; and the Determination of the Magistrate shall be binding on all Parties, and final: Provided that if the Security be the Deposit with the Gas Company of a Sum of Money, the Gas Company shall pay Interest thereon to the Consumer at such Rate as the Magistrate shall determine. 23 & 24 Vict., Cap. 125.

XVII. If the Gas Company, not being entitled to require or not having required any Security, wilfully fail for Seven Days after being thereunto required in Writing by the Consumer, or where the Security agreed on or determined by the Magistrate is given, shall wilfully fail for Fourteen Days thereafter to provide and lay all proper and sufficient Communication, Service, and other Pipes, or to furnish a Supply of Gas, or to furnish any Meter, pursuant to the Provisions of this Act, then and in every such Case the Gas Company shall, on a summary Conviction before a Magistrate, forfeit and pay to the Consumer not exceeding Forty Shillings for every Day after the Expiration of Seven or Fourteen Days respectively during which the Failure continues. Penalty on Gas Company failing to provide Pipes or Supply of Gas or Meters.

XVIII. Provided, That every private Consumer shall, if so required in Writing by the Gas Company, consume the Gas by Meter, but any Consumer may, if he thinks fit, provide his own Meter. Gas to be consumed by Meter if required by Companies.

XIX. Subject to the Provisions of this Act, every Gas Company, from Time to Time, may enter into any Contract with any Owner, Occupier, or Local Authority for all or any of the following Purposes; that is to say, for supplying him or them with Gas, and with Pipes, Burners, Meters, Lamps, Lamp Posts, and other Apparatus, and for the Repair and cleansing and for the lighting and extinguishing thereof, in such Manner and on such Terms and Conditions as the Parties agree. Gas Companies may contract for Supply.

XX. Provided, That, notwithstanding its being required by any Act of Parliament or otherwise that the Gas Company's Contracts shall be under Seal, every Contract of the Gas Company entered into in accordance with this Act shall without Seal be binding on them, if the Contract be signed by at least Two of their Directors, or by their Secretary or other Officer by the Authority of at least Two of their Directors. Contracts valid though not under Seal.

XXI. Provided, That no Contract for any of those Purposes shall contain any Term or Condition contrary to Restrictions on Contracts

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with Gas Companies.

any of the Provisions of this Act, or for giving in case of Difference the sole Arbitrament thereon to the Gas Company or any Officer or Person who is or has been employed by them, or who may have a pecuniary Interest in such Company, or for requiring any Notice by a Consumer discontinuing his Supply of Gas or Meter which shall make him liable to pay more than One Month's Rate or Meter Rent after the Time of the Service of the Notice, or which shall entitle the Gas Company, except for Breach of any of the Provisions of this Act, to discontinue any Supply of Gas by less than One Month's Notice in Writing to the Consumer, unless the Rate due for Gas shall be in arrear, in which Case Three Days Notice in Writing to the Consumer shall be sufficient.

Gas Companies to light Streets when required by Local Authority.

XXII. The Gas Company shall well and effectually light all public Lamps in all Streets which they are required by the Local Authority to light, and shall, according to the Terms of their Contract, supply to the Local Authority so much Gas as they require for their public Lamps; provided that the Gas Company shall not be compelled to light any Street with Lamps at a greater Distance from each other than Seventy-five Yards.

Local Authorities may provide Lamp Posts and Lamps.

XXIII. The Local Authority may provide and keep in repair their own public Lamp Posts and Lamps, and Apparatus connected therewith, and, in case of their electing to burn by Meter, light and extinguish the Lamps, and defray the Expenses thereof.

Service Pipes to be fully Charged with Gas.

XXIV. Every Gas Company shall, unless prevented by necessary Repairs or unavoidable Accident, at all Times keep all their Branch or Service Pipes fully charged with Gas, and the Stopcocks so turned as not to prevent the Branch or Service Pipes from being at all Times filled with Gas.

[XXV.-XXXIV. repealed by City of London Gas Act, 1868, s. 3, p. 187 (taken in connection with s. 109 of the Gaslight and Coke Company's Act, 1868, p. 512), South Metropolitan Gas Company's Act, 1869, s. 4, p. 531, and Commercial Gas Act, 1875, s. 3, p. 557.]

Limit of Charge for Gas and Meters.

XXXV.* * * No Gas Company shall, * * * demand or take for any Gas or Five-Light Meter supplied by them any Sum of Money exceeding the Rate or Meter Rent by this Act authorized.

[Words omitted from s. 35 repealed by Statute Law Revision Act, 1892.]

[XXXVI, repealed by Statute Law Revision Acts, 1875 and 1892.]

[XXXVII. repealed by City of London Gas Act, 1868, s. 3, p. 187 (taken in connection with s. 109 of the Gaslight and Coke Company's Act, 1868, p. 512), South Metropolitan Gas Company's Act, 1869, s. 4, p. 531, and Commercial Gas Act, 1875, s. 3, p. 557.] 23 & 24 Vict., Cap. 125.

Difference to be settled by Arbitration.

XXXVIII. If any Difference arise between the Local Authority and the Gas Company with respect to any Alteration in the Test, or to the Rate to be charged for Gas supplied or for lighting any public Lamp, the Difference shall be referred to and be determined by Arbitration in the Manner prescribed by the ["Companies Clauses Consolidation Act, 1845," (*a*)] with respect to the Settlement of Disputes by Arbitration.

Incoming Tenant not to pay Arrears of outgoing Tenant, unless by express Agreement

XXXIX. In case any Consumer leave the Premises where Gas was supplied to him without paying to the Gas Company the Rate or Meter Rent due from him, the Gas Company shall not require from the next Tenant of the Premises Payment of the Arrears so left unpaid unless the incoming Tenant agreed with the defaulting Consumer to pay the Arrears; but the Gas Company shall, notwithstanding any such Arrears, in the Absence of Collusion between the outgoing and incoming Tenant, supply Gas to the incoming Tenant, as required by this Act, on being required by him so to do.

[XL. XLI. repealed by City of London Gas Act, 1868, s. 3, p. 187 (taken in connection with s. 109 of the Gaslight and Coke Company's Act, 1868, p. 512), South Metropolitan Gas Company's Act, 1869, s. 4, p. 531, and Commercial Gas Act, 1875, s. 3, p. 557.]

Gas Companies to cause Maps of their Districts to be made. (*b*)

XLII. (*b*) Every Gas Company shall within One Year after the passing of this Act cause a Map to be made of the District within which their Mains or District Mains then lie, on a Scale of not less than Six Inches to a Mile, and shall cause to be marked thereon the Line of all their then existing Mains and District Mains, and shall once in every Year correct such Map and make such Additions thereto as will show the Line of all their then Mains and District Mains as aforesaid.

(*a*) For alteration to Lands Clauses Consolidation Act, 1845, see City of London Gas Act, 1868, s. 87, p. 190 (taken in connection with s. 109 of the Gaslight and Coke Company's Act, 1868, p. 512), and South Metropolitan Gas Company's Act, 1869, s. 69, p. 533; and for repeal of this section and provision as to public lamps substituted therefor, see Commercial Gas Act, 1875, ss. 3, 69, pp. 557, 565. But see Gaslight and Coke Company's Act, 1870, s. 9, p. 514.

(*b*) ss. 42-44 repealed as to Commercial Gas Company by s. 3 of that Company's Act of 1875, p. 557, and ceased to apply to Independent Gaslight and Coke Company (amalgamated with the Gaslight and Coke Company) by Gaslight and Coke Company Act, 1876, s. 8, p. 518 For further provisions as to maps, see City of London Gas Act, 1868, ss. 88-89, p. 190 (taken in connection with s. 109 of the Gaslight and Coke Company's Act, 1868, p. 512), South Metropolitan Gas Company's Act, 1869, ss. 70, 71, p, 533, and Commercial Gas Act, 1875, s. 70, p. 565.

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As to Deposit and Inspection of the Maps. (*a*)

XLIII. (*a*) Every Map, or a Copy thereof, so made by or for each Company, with the Date expressed thereon of the last Time when it was so corrected, shall be deposited, certified by their Secretary or Clerk by Writing under his Hand to be a true Copy thereof, with the respective Clerks of the Peace for the Counties in which such Mains lie, and who are hereby required to receive and keep in safe Custody the same; and such Maps so deposited shall at all reasonable Times be open to the Inspection of all Local Authorities and Consumers, and their respective Agents, and they respectively may take Copies of or Extracts from the same; and every Gas Company wilfully failing to comply with any of the Requirements of this Act with respect to Maps, and every Person having charge of such Maps who shall refuse to allow any Person to inspect and take Copies of or Extracts from such Maps, shall for every such Offence forfeit a Sum not exceeding Ten Pounds.

Charge for Inspection of Map. (*a*)

XLIV. (*a*) Every Clerk of the Peace with whom any Map shall be deposited under the Provisions of this Act may charge and take the Sum of One Shilling for every Inspection of such Map, and the further Sum of Two Shillings and Sixpence for every Extract from or Copy taken of such Map.

Secretary of State (*b*) may direct Proceedings by the Attorney General against Gas Companies.

XLV. If and whenever it appears to the [Secretary of State (*b*)] that any of the Provisions of this Act have been violated or not complied with on the Part of any Gas Company, or that the Gas Company are acting in a Manner unauthorized by Law, and if it appear to him that it would be for the Public Advantage that the Gas Company should be restrained from so acting, or compelled to do any Act for remedying the wrongful Act done by them, the [Secretary of State (*b*)] may certify the same in Writing to Her Majesty's Attorney General, and thereupon he, if he be so advised, shall proceed by Information, Bill, or Action, or other such Proceeding at Law or in Equity, as the Case requires, to restrain the wrongful acting or to compel the doing of the Acts for remedying the wrongful Acts; provided always, that the [Secretary of State (*b*)] shall not give the Certificate at a Period exceeding One Year after the committing of the Offence specified in the Certificate.

Recovery and Application of Penalties.

XLVI. Every Penalty imposed by this Act, the Recovery and Application of which is not otherwise specially

(*a*) As to maps, see note (*b*) to s. 42.
(*b*) Now Board of Trade. See note (*a*) to s. 6.

provided for by this Act, shall be recovered on summary Conviction before a Magistrate, and be enforced, accounted for, and paid to the Receiver of the Metropolitan Police District, and shall be apportioned in the same Manner as Penalties or Fines, other than Fines upon drunken Persons, or upon Constables for Misconduct, or for Assaults upon Police Constables, are by the Act of the Third Year of Her present Majesty, for regulating Police Courts in the Metropolis (*a*), directed to be recovered, enforced, accounted for, paid, and applied; and every Order or Conviction of any Magistrate in respect of any such Penalty shall be subject to the like Appeal, and upon the same Terms, as is by that Act provided in respect of any Order or Conviction of any Magistrate; and every Magistrate by whom any Order of Conviction is made under this Act shall have the same Power of binding over the Witnesses examined, and the Witnesses shall be entitled to the same Allowance of Expenses as they would be entitled to in case the Order, Conviction, and Appeal were made under that Act. 23 & 24 Vict., Cap. 125.

Jurisdiction of Magistrates for Purposes of Act.

XLVII. Every Magistrate shall, for the Purposes of this Act, have full Jurisdiction and full Powers and Authorities over the Parties respectively, and with respect to making Orders on the Parties respectively, and otherwise, and as to Costs, and may issue every such Summons, Warrant, and other Process, and may take such other Proceedings as he thinks requisite; and the Service of any Summons, Notice, Order, or other Process in the Matter on such Person, or in such Manner as a Magistrate directs, shall be good Service thereof; and every Magistrate may proceed singly in the Execution of this Act in such Manner as he thinks proper.

For the protection of Water Companies.

XLVIII. Nothing in this Act contained shall extend or be construed to extend to authorize or empower any Gas Company to interfere with or abridge any of the Rights or Privileges of any Company established for the Supply of Water to the Inhabitants of any Parish or Place within the Metropolis; and every Gas Company shall be answerable for any Damage, Spoil, Injury, or Mischief which shall be done to any of the Pipes, Works, or Property of any such Water Company, or which shall or may be sustained by such Water Company by reason or in consequence of any Act, Matter, or Thing to be done or executed by such Gas Company, or any of their Servants, Agents, or Workmen.

(*a*) Short Title, "The Metropolitan Police Courts Act, 1839." See Short Titles Act, 1896, s. 1

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For laying Pipes to convey Gas.

XLIX. Whenever any Gas Company, or their Servants, Agents, or Workmen, shall dig or sink any Trench for laying any new Mains or Pipes, other than Service Pipes, for the Conveyance of Gas or other Apparatus near to which any Pipe belonging to any Water Company for conveying Water, or any Branch or Service Pipe for the Supply of Water to any Dwelling House or Buildings, shall be laid, such Gas Company, their Servants, Agents, or Workmen, shall give Four Hours previous Notice thereof in Writing to the Manager or Chief Clerk, or Secretary or Engineer, of such Water Company, such Notice to be delivered at the principal Office of the Company between the Hours of Ten in the Morning and Four in the Afternoon, and shall, under the Inspection of the Manager or Chief Clerk, Secretary or Engineer for the Time being of such Water Company, protect and secure every such Water Pipe from any Injury, and shall also repair any Damage that shall be done to such Pipe, and in default of repairing such Damage the Gas Company shall for each such Default forfeit and pay to the Secretary for the Time being of such Water Company, for the Use of the said Water Company, any Sum not exceeding Five Pounds, and also the Costs and Expenses which shall have been incurred by the said Water Company in protecting and securing any such Water Pipe, or in repairing or making good any Injury that may have been done thereto by the Means aforesaid, such Costs and Expenses to be ascertained by any Justice, and to be recovered in the same Manner as any Expenses or Penalty under this Act may be recovered.

Mode of laying Pipes.

L. All Pipes hereafter to be laid by any Gas Company for the Conveyance of Gas shall be laid at the greatest practicable Distance from the nearest Part of any Pipe then laid down by or by Order of any Water Company for the Conveyance of Water, and wherever the Width of the Carriageway or Footpath will allow thereof shall be laid at the Distance of Four Feet at least from the nearest Part of any such Water Pipe, unless in Cases where it shall be unavoidably necessary to lay the Gas Pipe across or nearer to any Water Pipe, in which Case the said Gas Pipe shall, wherever practicable, be laid over and above the said Water Pipe at the greatest practicable Distance therefrom, and shall form therewith a Right Angle, or as near thereto as the Situation will admit; and in every such Case the said Gas Pipe so crossing the said Water Pipe shall be at least Nine Feet in Length, so that no Joint of any Gas Pipe shall be nearer to any Water Pipe than Four Feet at the least,

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where the Width of the Road, Street, Square, Market Place, Lane, Alley, Passage, Court, or other Place will admit; and every such Gas Pipe so crossing the Water Pipe shall for the whole Length thereof be sufficiently bedded in with good sound Clay or other fit Materials of a proper Consistence, and well worked and rammed into the Trench all round the said Gas Pipe, and in laying down any such Gas Pipe the Gas Company shall use such Joints as are for the Time being of the most improved Description for preventing the Leakage of Gas, and shall in no Case join Two or more Gas Pipes together previous to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also, wherever practicable, lay and well and sufficiently bed each Joint of the Main Gas Pipes and also the Joints or Screws of the Branch or Service Gas Pipes connecting with the Main Gas Pipes, and also the Joints of the Service or Branch Pipes for conveying the Gas from the Main Gas Pipes to the Houses and other Buildings, and all other Joints, Inlets, Apertures, or Openings which are or shall or may be made in any of the Main Gas Pipes belonging to the Gas Company, in such Manner and of such Material as shall, as far as reasonably practicable, prevent Leakage.

To prevent further Contamination of Water by Gas.

LI. Whenever the Water which shall be supplied by any Water Company shall be contaminated or affected in any way whatsoever by the Gas of any Gas Company, such Gas Company shall, within Twenty-Four Hours next after Notice thereof in Writing, signed by any One of the Directors or by the Secretary for the Time being of such Water Company, or by any Person using the Water of such Water Company, and left at the Office of such Gas Company, cause Measures to be taken effectually to prevent such Gas from contaminating or affecting the Water of such Water Company; and in case such Gas Company shall not within Forty-eight Hours next after any such Notice so left as aforesaid use all reasonable Means to effectually remove the Cause of such Complaint, and prevent all such Contamination whereof Notice shall be given as aforesaid, then and in every such Case such Gas Company shall on each Complaint whereof Notice shall be given as aforesaid forfeit and pay to the Secretary of such Water Company, for the Use of such Water Company, the Sum not exceeding Ten Pounds for each Day during which the Water supplied by such Water Company shall remain contaminated or affected by the Gas of such Gas

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Company; and every such Penalty or Forfeiture may be recovered for the Use of such Water Company in the same Manner as any other Penalty or Forfeiture imposed by this Act may be levied and recovered.

For ascertaining if the Water is contaminated.

LII. And whereas it may become a Question upon such Complaint as aforesaid whether or not the Water supplied by any Water Company within the Metropolis be contaminated or affected by the Gas of the Gas Company: Be it enacted, That in every such Case it shall be lawful for any such Water Company to dig to and about and to search and examine the Mains, Pipes, Conduits, and Apparatus of the Gas Company adjacent to the Pipes of such Water Company for the Purpose of ascertaining whether or not such Contamination proceed or be occasioned by the Gas of such Gas Company, giving Twenty-four Hours previous Notice in Writing, signed by One of the Directors or by the Secretary for the Time being of such Water Company, and left at the Head Office of such Gas Company, of the Intention of such Water Company so to dig, search, and examine as aforesaid, and of the Time and Place or Places when and where such Digging, Search, and Examination is intended to be made; and if it shall appear that the said Water has been contaminated, and that there has been any Escape of Gas whereby such Contamination has been produced, then and in every such Case the Costs and Expenses of the said Digging, Search, and Examination, and of the Repair of the Street, Road, or Place which shall be taken up or disturbed, shall be borne and paid by such Gas Company, which Costs and Expenses shall be ascertained and determined, if necessary, by any Justice, and may be levied and recovered in the same Manner as any Penalty or Forfeiture imposed by this Act may be levied and recovered: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any Escape of Gas from any of the Mains, Pipes, or Conduits of the Gas Company to which such Notice shall have been given, then and in every such Case the Water Company by whom or on whose Behalf such Examination and Search shall have been made shall bear and pay all the Costs, Charges, and Expenses of and incident to such Examination and Search, and shall also make good to such Gas Company any Damage which may be occasioned to their Mains, Pipes, Conduits, or Apparatus by such Search, and also any Injury or Damage which may be done in or about any of the Streets, Roads, or Places which shall be broken up or disturbed in such Search, the Amount of such Damage to

be ascertained and determined, if necessary, by any Justice, and to be levied and recovered in the same Manner as any Penalty or Forfeiture under this Act may be levied and recovered. 23 & 24 Vict., Cap. 125.

Appropriation of Penalties in the City of London.

LIII. All Penalties or Sums of Money ordered and adjudged within the City of London and the Liberties thereof to be paid under this Act, and not otherwise appropriated, shall be payable to the Chamberlain of the City of London, in aid of the Expenses of the Police of the said City.

Saving Rights of Metropolitan Board of Works, (*a*) Vestries, (*b*) and others.

LIV. Nothing in this Act contained shall avoid, prejudice, or impair any of the Powers now exercised by or vested in the [Metropolitan Board of Works (*a*)], or in the [Commissioners of Sewers (*c*)] of the City of London and the Liberties thereof, or any Powers now vested in any Local Authority within the Metropolis, or any Powers now exercised or possessed in respect of the Manufacture or Supply of Gas within the Metropolis by any Railway Company, or by any other Person or Persons making or supplying Gas for his or their own Use, and not making or supplying Gas to the Public as a Trade or Business: Provided that if the said Local Authority shall refuse or delay their Consent to any Company to lay down Mains or Pipes in accordance with the Provisions of this Act, it shall be lawful for the said [Secretary of State (*d*)] under his Hand to authorize the same to be laid down without such Consent; and after the Date of the Application by such Company to the said [Secretary of State (*d*)] for such Consent no Penalty shall be incurred by any Default of such Company, so far as it is occasioned by such Refusal only.

Saving general Jurisdiction of Courts of Law and Equity.

LV. Provided, That no special Remedy or Provision for giving Relief to any Person given by this Act shall prejudice or diminish the general Jurisdiction of any of Her Majesty's Superior Courts of Law or Equity over or with respect to the Acts or Defaults in respect of which the special Remedies or Provisions are so given.

[LVI. Expenses of Act. Repealed by Statute Law Revision Act, 1875.]

(*a*) Now London County Council. See Local Government Act, 1868, s. 40 (8), p. 362.

(*b*) Now Metropolitan Borough Councils. See note (*b*), p. 140.

(*c*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

(*d*) Now Board of Trade. See note (*a*) to s. 6.

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Expenditure of Local Authorities under this Act.

LVII. All the Expenditure from Time to Time made or incurred by any Local Authority under the Authority of this Act may and shall be defrayed by the Local Authority out of any Rate raised under the Provisions of the Act of the Session of the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty, for the Local Management of the Metropolis. (*a*)

(*a*) Short Title, "The Metropolis Management Act, 1855." See Short Titles Act, 1896, s. 1.

SCHEDULE to which Fifth Section of the foregoing Act refers.

Name of Gas Company.	Special Act or Instrument of Incorporation.	District.
The Crystal Palace District Gas Company.	The Crystal Palace District Gas Company's Act, 1858.	The District defined by their said Special Act.
The Woolwich, Plumstead, and Charlton Consumers Gas Company. (*a*)	The Woolwich, Plumstead, and Charlton Consumers Gas Act, 1855.	The District defined by their said Special Act.
The Woolwich Equitable Gaslight and Coke Company. (*a*)	The Woolwich Equitable Gas Company's Act, 1855.	The District defined by their said Special Act.
The Wandsworth and Putney Gaslight and Coke Company.	The Wandsworth and Putney Gas Act, 1856.	The District defined by their said Special Act.
The Brentford Gas Company.	The Brentford Gas Act, 1858.	The District now actually supplied by the Company.
The Victoria Docks Gas Company. (*b*)	The Victoria Docks Gas Act, 1857.	The District defined by their said Special Act.
The Eltham Gaslight and Coke Company, Limited.	Articles of Association under the Joint Stock Company's Act, 1856.	The Parish of Eltham.
The West Ham Gas Company.	The West Ham Gas Company's Act, 1856.	The District defined by their said Special Act.
Mitcham, Merton, and Tooting Gas Company.	Articles of Association under 7 & 8 Victoria, Cap. 110.	The Parishes and Villages of and adjacent to Mitcham, Merton, and Tooting.

(*a*) Now amalgamated with the South Metropolitan Gas Company.
(*b*) Acquired by The Gas Light and Coke Company, under its Act of 1870.

23 & 24 Vict., Cap. 146.

SALE OF GAS ACT, 1860.

23 & 24 Vict., Cap. 146. An Act to amend the Act for regulating Measures used in Sales of Gas. (*a*) [28th August 1860.]

[Preamble and introductory words repealed by Statute Law Revision Act, 1892.]

Calculation of Time specified in recited Act.

I. Except as to Things done before the passing of this Act under the Authority of the said Act, where in the said Act anything is required to be done within a specified Time after the passing of the same, such Time shall be calculated as if the Thirteenth Day of October One thousand eight hundred and sixty had been the Date of the passing of the said Act: [Provided always, that, notwithstanding anything in the said Act contained, the said Act shall not come into operation in any County of England until the Magistrates of such County in Quarter Sessions (*b*), or in any County in Scotland until the Commissioners of Supply of such County, or in any County of Ireland until the Grand Jury (*c*) of such County, shall have resolved to bring such County under the Operation of the Act (*d*)].

Construction of Acts and Recovery of Penalties.

II. This Act and the recited Act shall be construed together as One Act, and all Penalties and Forfeitures incurred under the Provisions of either Act shall be sued for and recoverable in all Counties, Ridings, or Divisions in England and Ireland before Two or more Justices of the Peace at Petty Sessions, or before the Mayor or other Chief Magistrate of any City, Borough, Town, or Place.

(*a*) Short Title, "The Sale of Gas Act, 1860." See Short Titles Act, 1896, s. 1.

(*b*) As to transfer of business from Quarter Sessions to County Councils, see note (*b*) to s. 4 of Sale of Gas Act, 1859, p. 126.

(*c*) As to transfer of business of Grand Juries in Ireland to County Councils, see Local Government (Ireland) Act, 1898, s. 4. (1), p. 478.

(*d*) Proviso repealed by Metropolis Gas Act, 1861, s. 2, p. 160, so far as respects the Metropolis as defined by that Act. Such s. 2 repealed by Statute Law Revision Act, 1875, but see Interpretation Act, 1889, s. 11 (1.), p. 369.

24 & 25 Vict., Cap. 70.

LOCOMOTIVE ACT, 1861.

24 & 25 Vict., Cap. 70. An Act for regulating the Use of Locomotives on Turnpike and other Roads; and the Tolls to be levied on such Locomotives and on the Waggons and Carriages drawn or propelled by the same. (*a*)

[1st August 1861.]

[Preamble and introductory words repealed by Statute Law Revision Act, 1892.]

* * *

[**3.** As to the Size and Weight of Locomotives propelled by Steam or any other than Animal Power. Repealed, and new provision substituted therefor, so long as Locomotives Act, 1865, continues in force. See, as to Scotland, Locomotives Amendment (Scotland) Act, 1878, ss. 2, 3, p. 317, and, as to England, Highways and Locomotives (Amendment) Act, 1878, ss. 28, 33, pp. 328, 329.]

As to the Weight on each Pair of Wheels.

4. It shall not be lawful for any Waggon, Wain, Cart, or other Carriage so drawn or propelled as aforesaid, not having cylindrical Wheels, to carry any greater Weight than is permitted in such Waggon, Wain, Cart, or Carriage by the General Turnpike Act (*b*); and it shall not be lawful for any Waggon, Wain, Cart, or other Carriage having cylindrical Wheels to carry over or above the Weight of the Waggon, Wain, Cart, or Carriage, any greater Weight than One Ton and a Half for each Pair of Wheels, unless the Fellies, Tires, or Shoes are Four Inches or more in Breadth; nor to carry a greater Weight than Two Tons for each Pair of Wheels, unless the Fellies, Tires, or Shoes are Six Inches or more in Breadth; nor to carry a greater Weight than Three Tons for each Pair of Wheels, unless the Fellies, Tires, or Shoes are Eight Inches or more in Breadth; and for every single Wheel One Half of that permitted to be carried on a Pair of Wheels; nor in any Case to carry a greater Weight than Four Tons on

(*a*) Short Title, the "Locomotive Act, 1861." See s. 14. For exemption of certain light locomotives from application of this Act, see Locomotives on Highways Act, 1896, s. 1, p. 446.

(*b*) Short Title, "The Turnpike Roads Act, 1822." See Short Titles Act, 1896, s. 1. See s. 12 of such Turnpike Roads Act.

each Pair of Wheels, or Two Tons on each Wheel; but if such Waggons, Wains, or other Carriages are built and constructed with Springs upon each Axle, then they shall be allowed to carry One Sixth more Weight in addition to the above-mentioned Weights upon each Pair of Wheels: [Provided always, that the Regulation of Weight herein mentioned and provided shall not extend to any Waggon, Wain, Cart, or other Carriage carrying only One Tree, or One Log of Timber, or One Block of Stone, or One Cable or Rope, or One Block, Plate, Roll, or Vessel of Iron or other Metal, or compounded of any Two or more Metals cast, wrought, or united in One Piece.] 24 & 25 Vict., Cap. 70.

[Above Proviso to s. 4 (printed within brackets) repealed as to England, and new one substituted therefor. See Locomotives Act, 1898, ss. 1. (3.), 20, pp. 471, 477.]

[As to permission for waggons drawn or propelled by a locomotive on a highway to carry weights in excess of those mentioned in above s. 4, see Locomotives Act, 1898, s. 1. (1.) (2.), p. 471.]

[**5.** Power to Secretary of State to prohibit the use of Locomotives destructive to Highways or dangerous to the Public. Repealed, together with all orders made thereunder, so long as Locomotives Act, 1865, continues in force. See s. 2 of that Act, p. 178.]

Use of Locomotives restricted over suspension and other Bridges.

6. It shall not be lawful for the Owner or Driver of any Locomotive to drive it over any Suspension Bridge nor over any Bridge on which a conspicuous Notice has been placed, by the Authority of the Surveyor or Persons liable to the Repair of the Bridge, that the Bridge is insufficient to carry Weights beyond the ordinary Traffic of the District, without previously obtaining the Consent of the Surveyor of the Road or Bridgemaster under whose Charge such Bridge shall be for the Time being, or of the Persons liable to the Repair of such Bridge; [and in case such Owner of the Locomotive and Surveyor of the Road or Bridge, or Bridgemaster, shall differ in opinion as to the Sufficiency of any Bridge to sustain the Transit of the Locomotive, then the Question shall be determined by an Officer to be appointed, on the Application of either Party, by One of Her Majesty's Principal Secretaries of State, whose Certificate of Sufficiency of such Bridge shall entitle the Owner of the Locomotive to take the same over such Bridge.]

[Words within brackets repealed as to England. See Locomotives Act, 1898, ss. 18, 20, p. 477.]

Damage caused by Locomotives to Bridges to be made good by Owners.

7. Where any Turnpike or other Roads, upon which Locomotives are or hereafter may be used, pass or are or shall be carried over or across any Stream or Watercourse, navigable River, Canal, or Railway, by means of any Bridge or Arch (whether stationary or moveable), and

24 & 25 Vict., Cap. 70.

such Bridge or Arch, or any of the Walls, Buttresses, or Supports thereof, shall be damaged by reason of any Locomotive or any Waggon or Carriage drawn or propelled by or together with a Locomotive passing over the same or coming into contact therewith, none of the Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons interested in or having the Charge of such navigable River, Canal, or Railway, or the Tolls thereof, or of such Bridge or Arch, shall be liable to repair or make good any Damage so to be occasioned, or to make Compensation to any Person for any Obstruction, Interruption, or Delay which may arise therefrom to the Use of such Bridge or Arch, navigable River, Canal, or Railway, but every such Damage shall be forthwith repaired to the Satisfaction of the Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons as aforesaid, respectively interested in or having the Charge of such River, Canal, or Railway, or the Tolls thereof, or of such Bridge or Arch, by and at the Expense of the Owner or Owners or the Person or Persons having the Charge of such Locomotive at the Time of the happening of such Damage; and all such Owner and Owners, Person and Persons having the Charge of such Locomotive as aforesaid, shall also be liable, both jointly and severally, to reimburse and make good as well to the Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, and other Persons interested in or having the Charge of any such navigable River, Canal, or Railway, or the Tolls thereof, or of such Bridge or Arch, as to all Persons navigating on or using, or who but for such Obstruction, Interruption, or Delay would have navigated on or used the same, all Losses and Expenses which they or any of them may sustain or incur by reason of any such Obstruction, Interruption, or Delay, such Losses and Expenses to be recoverable by Action at Law, which Action, in case of such Proprietors, Undertakers, Directors, Conservators, Trustees, Commissioners, or other Persons so interested as aforesaid, may be brought in the Name or Names of their Agent or Agents, Clerk or Clerks for the Time being, or by any Person or Persons legally authorized to act in their Behalf.

* * *

[**11.** Limit of speed of Locomotives on public highways, &c. Repealed so long as Locomotives Act, 1865, continues in force. See s. 2 of that Act, p. 178.]

Provisions of General Acts

12. All the Clauses and Provisions of any General or Local Acts relating to Turnpike Roads or Highways shall,

so far as the same are not expressly altered or repealed by or are not inconsistent with the Provisions of this Act, apply to all Locomotives propelled by other than Animal Power, and to all Waggons, Wains, Carts, and Carriages of any other Description drawn by such Locomotive, and to the Owners, Drivers, and Attendants thereof, in like Manner as if drawn by Animal Power: Provided always, that the Weight of every Locomotive, and the Name of the Owner or Owners thereof, shall be conspicuously and legibly affixed thereon; and any Owner not having affixed such Weight and such Name shall, upon Conviction thereof before Two Justices, forfeit any Sum not exceeding Five Pounds; and any Owner who shall fraudulently affix thereon any incorrect Weight shall, upon Conviction thereof, forfeit any Sum not exceeding Ten Pounds.

24 & 25 Vict., Cap. 70.

relating to Turnpike Roads to apply to Locomotives.

* * *

14. This Act may be cited as the "Locomotive Act, 1861."

Short Title.

[**15.** Extent of Act (viz., to Great Britain). Repealed so long as Locomotives Act, 1865, continues in force. See s. 2 of that Act, p. 178.]

24 & 25 Vict., Cap. 79.

METROPOLIS GAS ACT, 1861.

24 & 25 Vict., Cap. 79. An Act to amend the Metropolis Gas Act. (*a*) [6th August 1861.]

[Preamble and introductory words repealed by Statute Law Revision Act, 1892.]

Powers conferred on Justices of the Peace by 22 & 23 Vict. c. 66, as amended by 23 & 24 Vict. c. 146. in so far as relates to the Metropolis, transferred to the Metropolitan Board of Works. (*e*)

1. All Powers conferred on the Justices of the Peace of any County in General or Quarter Sessions assembled, by the Act passed in the Twenty-second and Twenty-third Years of the Reign of Her present Majesty, Chapter Sixty-six, intituled "An Act for regulating Measures used in Sales of Gas (*b*), as amended by an Act passed in the Session of the Twenty-third and Twenty-fourth Years of the Reign of Her present Majesty, Chapter One hundred and forty-six, and intituled "An Act to amend the Act for regulating Measures used in Sales of Gas (*c*)," shall, in so far as relates to the Metropolis, as defined by an Act passed in the Session holden in the Eighteenth and Nineteenth Years of Her present Majesty, Chapter One hundred and twenty, and intituled "An Act for the better Local Management of the Metropolis (*d*)." be transferred and vested in the Metropolitan Board of Works (*e*), and so many of the said Powers as are conferred by Section Four of the said Act of the Twenty-second and Twenty-third Years of the Reign of Her present Majesty shall be exercised by such Board (*e*) * * * from Time to Time * * * as in the said Act mentioned, and all Expenses incurred by the said Board (*e*) in pursuance of this Act shall be defrayed by them out of Rates leviable by them within their Jurisdiction exclusive of the City of London.

[Words omitted from s. 1, as indicated by the asterisks, repealed by Statute Law Revision Act, 1892.]

[**2.** So much of s. 1 of Sale of Gas Act, 1860, as respects the Metropolis, repealed. This section is repealed by the Statute Law Revision Act, 1875. As to non-revival, however, of enactment repealed thereby, see Interpretation Act, 1889, s. 11. (1.), p. 369.]

(*a*) Short Title, "The Metropolis Gas Act, 1861."
(*b*) ,, "The Sale of Gas Act, 1859."
(*c*) ,, "The Sale of Gas Act, 1860."
(*d*) ,, "The Metropolis Management Act, 1855."

} See Short Titles Act, 1896, s. 1.

(*e*) Now London County Council. See Local Government Act, 1888, s. 40 (8), p. 362.

24 & 25 Vict., Cap. 91.

REVENUE (No. 2) ACT, 1861.

24 & 25 Vict., Cap. 91. An Act to amend the Laws relating to the Inland Revenue. (*a*)

[6th August 1861.]

* * *

Power to examine Stills or Retorts kept by Persons not being distillers, &c.

23. 'Whereas by the Act passed in the Ninth and 'Tenth Years of the Reign of Her Majesty, Chapter 'Ninety (*b*), an Excise Licence is required to be taken out 'by every Person, not being a licensed Distiller, Recti-'fier, or Compounder of Spirits, or Vinegar Maker, who 'keeps or uses any Still or Retort:' Be it enacted, That it shall be lawful for any Officer of Excise at any Time (but if between the Hours of Eleven at Night and Five in the Morning then in the Presence of a Constable or other lawful Peace Officer) to enter into the Premises of every such Person who shall take out such Licence, or who shall use or keep any Still or Retort, and to examine any Still or Retort kept or used by such Person.

* * *

(*a*) Short Title, "The Revenue (No. 2) Act, 1861." See Short Titles Act, 1896, s. 1.

(*b*) The Still Licences Act, 1846. See pp. 34, 35.

25 Vict., Cap. 19.

GENERAL PIER AND HARBOUR ACT, 1861, AMENDMENT ACT. [1862]

25 Vict., Cap. 19. An Act to amend The General Pier and Harbour Act, 1861.

[16th May 1862.]

Short Title.

1. This Act * * * may be cited as The General Pier and Harbour Act, 1861, Amendment Act.

* * *

Water Pipes.

20. The Undertakers may grant or allow to any Persons the Right of laying down or constructing and maintaining Pipes or Channels for the Conveyance of Water to, on, and within the Pier or Harbour, and may demand and receive such Sums in consideration of such Grant or Allowance as they may think reasonable.

* * *

25 & 26 Vict., Cap. 93.

THAMES EMBANKMENT ACT, 1862.

25 & 26 Vict., Cap. 93. An Act for embanking the North Side of the River Thames from Westminster Bridge to Blackfriars Bridge, and for making new Streets in and near thereto.

[7th August 1862.]

* * *

2. This Act may for all Purposes be cited as "The Thames Embankment Act, 1862." Short Title.

* * *

41. (*a*) It shall not be lawful for any Person to use a Locomotive Engine propelled by Steam along the Streets or Roadways constructed under the Provisions of this Act. Use of Locomotives prohibited in the Streets. (*a*)

* * *

(*a*) For exemption of certain light locomotives from the application of this section, see Locomotives on Highways Act, 1896, s. 1. (1.), p. 446.

25 & 26 Vict., Cap. 102.

METROPOLIS MANAGEMENT AMENDMENT ACT, 1862.

25 & 26 Vict., Cap 102. An Act to amend the Metropolis Local Management Acts. (*a*)

[7th August 1862.]

* * *

[s. 67 (Vestries, &c. may compel Supply of Water for Houses), and s. 70 (Vestries in Schedule A and District Boards empowered to provide and maintain Drinking Fountains) repealed by Public Health (London) Act, 1891, s. 142, p. 392.]

* * *

Act as to paving and improving Parts of Metropolis (*b*) to extend to Metropolis as defined by this Act.

73. The Powers of improving and regulating Streets and for the Suppression of Nuisances contained in the Act of the Fifty-seventh Year of the Reign of His Majesty King George the Third, Chapter Twenty-nine, Local and Personal, intituled "An Act for better paving, improving, and regulating the Streets of the Metropolis, and removing and preventing Nuisances and Obstructions therein (*b*)," shall, so far as the same is in force, and is not inconsistent with the Provisions of the recited Acts (*c*) and this Act, extend and apply to the Metropolis as defined in the firstly-recited Act (*d*) and in this Act, including any unpaved Streets, and notwithstanding any Exceptions therein contained.

* * *

Reinstatement of Pavement broken up by Works of Companies, &c.

82. In every Case in which any Company or Person shall be liable under the firstly-recited Act to reinstate the Pavement, Surface, or Soil of any Street under the Control of any Vestry or District Board which may have been broken up or opened, or to repay to such Vestry or Board the Expenses of reinstating the Pavement, Surface, or Soil of any Street, every such Company or Person shall be liable to reinstate the Pavement, Surface, or Soil, or to pay the Expenses of reinstating the Pave-

(*a*) Short Title, "The Metropolis Management Amendment Act, 1862." See Short Titles Act, 1896, s. 1.

(*b*) See Metropolitan Paving Act, 1817, pp. 1-10.

(*c*) The Metropolis Management Acts, 1855, 1856, and 1858.

(*d*) The Metropolis Management Act, 1855.

ment, Surface, or Soil of such Parts of the Street as shall have been so broken up or opened, as well as of the Part or Parts contiguous thereto which may be affected by the Works of such Company or Person, to the reasonable Satisfaction of the Surveyor for the Time being of the Vestry or District having Control over the Pavements in such Parish or District. 25 & 26 Vict., Cap. 102.

* * *

112. In the Construction of the recited Acts and this Act the Term "Metropolis" shall be deemed to include the City of London and the Parishes and Places mentioned in the Schedules (A.), (B.), and (C.) to the firstly-recited Act (*a*); * * * the Word "Street" shall be deemed to apply to and include the Subject Matters specified in the Two hundred and fiftieth Section of the firstly-recited Act (*a*), and also any Mews and a Part thereof; * * * Interpretation of Terms.

* * *

(*a*) The Metropolis Management Act, 1855.

26 & 27 Vict., Cap. 93.

WATERWORKS CLAUSES ACT, 1863.

26 & 27 Vict., Cap. 93. An Act for consolidating in One Act certain Provisions frequently inserted in Acts relating to Waterworks.

[28th July 1863.]

Whereas The Waterworks Clauses Act, 1847, was passed in order to comprise in One Act sundry Provisions which were at the Time of the passing of that Act usually introduced into Acts of Parliament authorizing the Construction of certain Waterworks:

And whereas sundry Provisions of the like Nature, but not comprised in the said Act, are now frequently introduced into Acts of Parliament relating to Waterworks, and it is expedient to comprise such last-mentioned Provisions also in One Act, and that as well for the Purpose of avoiding the Necessity of repeating such Provisions in Special Acts relating to Waterworks, as for insuring greater Uniformity in the Provisions themselves:

* * *

[Words omitted repealed by Statute Law Revision Act, 1893.]

PRELIMINARY.

Short Title.

1. This Act may be cited as The Waterworks Clauses Act, 1863; and The Waterworks Clauses Act, 1847, and this Act may be cited together as The Waterworks Clauses Acts, 1847 and 1863.

Application of Act and Interpretation of Terms.

2. This Act shall apply to any Waterworks to which any Special Act hereafter passed and incorporating this Act relates; and every such Special Act is herein-after referred to as "the Special Act."

Terms used in this Act have the same Meanings as the same Terms have when used in The Waterworks Clauses Act, 1847.

The Provisions respecting the Recovery of Penalties contained in the last-mentioned Act shall be incorporated with this Act.

SECURITY OF RESERVOIRS.

26 & 27 Vict., Cap. 93.

And with respect to the Security of the Reservoirs constructed by the Undertakers, be it enacted as follows:

Power for Justices to inquire as to Danger of Reservoir.

3. Whenever any Person interested complains to Two Justices that any Reservoir constructed by the Undertakers is in a dangerous State, such Justices shall forthwith make Inquiry into the Truth of the Complaint; or Two Justices, on their own View, and without Complaint by any Person, may proceed under the present Provisions as if a Complaint had been so made to them.

Order of Justices for immediate repair.

4. If, on any such Inquiry, the Justices are satisfied that the Complaint is well founded, and that the Reservoir is in a dangerous State, and that the Danger is so imminent as not to admit of Delay in removing the Cause of Complaint, they shall order such Person as they think fit to enter on the Property of the Undertakers, and to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Undertakers to repair Reservoir.

5. If, on any such Inquiry, the Justices are satisfied that there is good Cause of Complaint, but are not satisfied that the Reservoir is in such an imminently dangerous State as not to admit of Delay in removing the Cause of Complaint, they shall issue their Summons to the Undertakers to answer the Complaint; and upon hearing the Parties, the Justices may, or upon Default of Appearance of the Undertakers, then in their Absence, the Justices shall, order the Undertakers, within such Period as the Justices think reasonable and specify in the Order, to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint.

Order of Justices on Failure of Undertakers to repair.

If the Undertakers fail to execute or do within that Period any such Work or Thing, the Justices who made the Order, or any other Two Justices, on being satisfied of such Failure, may either order such Persons as the Justices think fit to enter on the Property of the Undertaker, and to lower the Water in the Reservoir, and to execute and do all such Works and Things as the Justices think requisite and proper for removing the Cause of Complaint; or may, if they think fit, by Order impose on the Undertakers a Penalty, not exceeding Ten Pounds, for every Day during which such Failure continues after the making of the Order imposing the Penalty.

26 & 27 Vict., Cap. 93.

Form of Order.

6. Any Order of Justices made in any of the Cases aforesaid shall be in Writing under their Hands, and may be in the Form set forth in the Schedule to this Act, with such Variations as Circumstances require.

Persons acting under Order not Trespassers.

7. Any Person acting under and in pursuance of any such Order shall not be deemed a Trespasser; and if any Person wilfully obstructs any Person lawfully acting in obedience to any such Order, or wilfully does, or instigates, or suffers to be done, anything in contravention thereof, he shall for every such Offence be liable to a Penalty not exceeding Fifty Pounds.

Order for Payment of Costs and Expenses.

8. The Justices may order all, or such Part as they think fit, of the Costs of and incident to the applying for and obtaining of any such Order to be paid by the Undertakers, and also all, or such Part as the Justices think fit, of the Expenses of the Works and Things executed and done in pursuance of any such Order by any Person other than the Undertakers, to be paid by the Undertakers to such Person as the Justices appoint.

If the Justices before whom the Complaint is made think that there is no sufficient Ground for the Complaint, they may, if they think fit, order the Complainant to pay to the Undertakers the whole or any Part of their Costs of or incident to the Complaint.

Appeal by Undertakers.

9. If the Undertakers consider themselves aggrieved by any Order or Determination of Justices under the present Provisions, they may in like Manner and subject to the like Conditions as by the Railways Clauses Consolidation Act, 1845, are provided in the Case of Appeals in respect of Penalties, appeal to the Court of General or Quarter Sessions for the County or Place where the Cause of Appeal arises; and that Court may, on the hearing of the Appeal, either affirm or quash the Order or Determination, or make such other Order in the Premises as may seem fit, and may make such Order as to the Costs, both of the original Proceedings and of the Appeal, as may seem fit; but the Order or Determination appealed against shall, pending the Appeal, continue in force.

Undertakers not to be responsible for Consequences of Order.

10. Notwithstanding anything in the Special Act contained, the Undertakers shall not be liable to pay any Damages, Penalties, Costs, Charges, or Expenses for or in respect of, or be answerable or accountable for, any Diminution or Cessation of the Supply of Water, or any other Breach or Nonperformance of their or any of their Duties, Liabilities, or Obligations under the Special Act, that may be occasioned by or result from the Execution of any such Order.

26 & 27 Vict., Cap. 93.

11. The present Provisions with respect to the Security of Reservoirs shall apply to England and Ireland; and they shall also apply to Scotland, subject to the following Variations, namely,—the Sheriff shall be deemed to be empowered thereby, as well as Two Justices; and the Appeal given shall lie from Two Justices in manner provided by Sections One hundred and fifty-one and One hundred and fifty-two of The Railways Clauses Consolidation (Scotland) Act, 1845, and shall lie from a Sheriff Substitute to the Sheriff Depute, where the Matter comes in the first instance before a Sheriff Substitute; and in that Case the Sheriff Depute shall hear and determine the Appeal, and may either confirm, recall, vary, or supersede the Order of the Sheriff Substitute as he thinks proper; and the Costs of the Appeal shall be in the Discretion of the Sheriff; and the Order or Judgment of the Sheriff in the Appeal shall be final.

Provisions as to Scotland.

SUPPLY OF WATER.

And with respect to the Supply of Water to be furnished by the Undertakers, be it enacted as follows:

Supply for other than domestic Purposes.

12. A Supply of Water for domestic Purposes shall not include a Supply of Water for Cattle, or for Horses, or for washing Carriages where such Horses or Carriages are kept for Sale or Hire or by a Common Carrier, or a Supply for any Trade, Manufacture, or Business, or for watering Gardens, or for Fountains, or for any ornamental Purpose.

Want of Supply for other than domestic Purposes, when excused.

13. Where the Undertakers are authorized by the Special Act to supply Water for other than domestic Purposes, they shall not be liable, in the Absence of express Stipulation, under any Agreement for the Supply of Water for other than domestic Purposes, to any Penalty or Damages for not supplying such Water, if the Want of such Supply arises from Frost, unusual Drought, or other unavoidable Cause or Accident.

Power to let Meters for Hire.

14. Where the Undertakers are authorized by the Special Act to supply Water by Measure, they may let for Hire to any Consumer of Water so supplied any Meter or Instrument for measuring the Quantity of Water supplied and consumed, and any Pipes and Apparatus for the Conveyance, Reception, or Storage of the Water, for such Remuneration in Money as may be agreed upon between them and the Consumer, which shall be recoverable in the same Manner as Rates due to the Undertakers for Water; and the Meters, Instruments, Pipes, and Apparatus shall

26 & 27 Vict., Cap. 93.

not be subject to Distress or to the Landlord's Hypothec for Rent of the Premises where the same are used, or be attached or taken in Execution under any Process of any Court of Law or Equity, or under or in pursuance of any Adjudication or Order in Bankruptcy, or other legal Proceeding, against or affecting the Consumer of the Water or the Occupier of the Premises, or other the Person in whose Possession the Meters, Instruments, Pipes, and Apparatus may be.

Power for ascertaining Quantity consumed by Meter, and for removing Meters, &c.

15. The Officers of the Undertakers may enter any House, Building, or Lands to, through, or into which Water is supplied by them by Measure, in order to inspect the Meters, Instruments, Pipes, and Apparatus for the measuring, Conveyance, Reception, or Storage of Water, or for the Purpose of ascertaining the Quantity of Water supplied or consumed, and may from Time to Time enter any House, Building, or Lands, for the Purpose of removing any Meter, Instrument, Pipe, or Apparatus the Property of the Undertakers; and if any Person hinders any such Officer from entering or making such Inspection, or effecting such Removal, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds; but, except with the Consent of a Justice or the Sheriff, this Power of Entry shall be exercised only between the Hours of Ten in the Forenoon and Four in the Afternoon.

PROTECTION OF WATER.

And with respect to the Waste or Misuse of the Water supplied by or belonging to the Undertakers, be it enacted as follows:

Power to cut off Water in certain Cases.

16. If any Person supplied with Water by the Undertakers wrongfully does or causes or permits to be done anything in contravention of any of the Provisions of the Special Act, or wrongfully fails to do anything which, under any of those Provisions, ought to be done for the Prevention of the Waste, Misuse, undue Consumption, or Contamination of the Water of the Undertakers, they may (without Prejudice to any Remedy against him in respect thereof) cut off any of the Pipes by or through which Water is supplied by them to him, or for his Use, and may cease to supply him with Water, so long as the Cause of Injury remains or is not remedied.

Penalty for Waste, &c. of Water by Non-repair of Pipes, &c.

17. If any Person supplied with Water by the Undertakers wilfully or negligently causes or suffers any Pipe, Valve, Cock, Cistern, Bath, Soil-pan, Watercloset, or other Apparatus or Receptacle to be out of repair, or to be

so used or contrived as that the Water supplied to him by the Undertakers is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the Return of foul Air, or other noisome or impure Matter, into any Pipe belonging to or connected with the Pipes of the Undertakers, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds. 26 & 27 Vict., Cap. 93.

18. If any Person—

First, not having from the Undertakers a Supply of Water for other than domestic Purposes, uses, for other than domestic Purposes, any Water supplied to him by the Undertakers; or

Secondly, having from the Undertakers a Supply of Water for any other than domestic Purposes, uses, for any Purposes other than those for which he is entitled to use the same, any Water supplied to him by the Undertakers,—

he shall for every such Offence be liable to a Penalty not exceeding Forty Shillings, without Prejudice to the Right of the Undertakers to recover from him the Value of the Water misused. Penalty for Application of Water contrary to Agreement.

19. It shall not be lawful for the Owner or Occupier of any Premises supplied with Water by the Undertakers, or any Consumer of the Water of the Undertakers, or any other Person, to affix or cause or permit to be affixed any Pipe or Apparatus to a Pipe belonging to the Undertakers, or to a Communication or Service Pipe belonging to or used by such Owner, Occupier, Consumer, or other Person, or to make any Alterations in any such Communication or Service Pipe, or in any Apparatus connected therewith, without the Consent in every such Case of the Undertakers; and if any Person acts in any respect in contravention of the Provisions of the present Section, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, without Prejudice to the Right of the Undertakers to recover Damages from him in respect of any Injury done to their Property, and without Prejudice to their Right to recover from him the Value of any Water wasted, misused, or unduly consumed. Penalty for Extension or Alteration of Pipes.

20. If any Person, not being supplied with Water by the Undertakers, wrongfully takes or uses any Water from any Reservoir, Watercourse, Conduit, or Pipe belonging to the Undertakers, or from any Pipe leading to or from any such Reservoir, Watercourse, Conduit, or Pipe or from any Cistern or other like Place containing Water belonging to the Undertakers, or supplied by them for the Use Penalty for Use of Water without Agreement.

26 & 27 Vict., Cap. 93.

of any Consumer of the Water of the Undertakers, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

RECOVERY OF RATES.

And with respect to the Recovery of Water Rates and other Money, be it enacted as follows:

Recovery of Rates by Action.

21. If any Person refuses or neglects to pay to the Undertakers any Rate or Sum due to them under the Special Act, they may recover the same, with Costs, in any Court of competent Jurisdiction; and their Remedy under the present Section shall be in addition to their other Remedies for the Recovery thereof.

SCHEDULE.

Form of Order of Justices.

To A.B. of &c.

We the Undersigned, Two of Her Majesty's Justices of the Peace acting for the [County] of do hereby order and direct you [and such Person and Persons as you may require to aid and assist you herein,] forthwith to lower the Water in the [here describe the Reservoir and the Extent to which the Water is to be lowered], and to do all such Works and Things as are requisite to repair and make secure the said Reservoir [and you shall do as little Injury as possible to the Property of the , and for acting as you are hereby directed this shall be your sufficient Warrant].

Given under our Hands this Day of One thousand eight hundred and

A.B.
C.D.

26 & 27 Vict., Cap. 112.

TELEGRAPH ACT, 1863.

26 & 27 Vict., Cap. 112. An Act to regulate the Exercise of Powers under Special Acts for the Construction and Maintenance of Telegraphs. (*a*) [28th July 1863.]

[Introductory words repealed by Statute Law Revision Act, 1893.]

Short Title.

1. This Act may be cited as The Telegraph Act, 1863.

Application of this Act to all future Telegraph Companies, and also, subject to certain Exceptions, to all existing Telegraph Companies.

2. This Act shall apply—

(1.) To every Company to be hereafter authorized by Special Act of Parliament to construct and maintain Telegraphs:

(2.) To every Company so authorized before the passing of this Act by any such Special Act, notwithstanding anything in any such Special Act contained,—but so that, except as herein-after expressly provided, nothing in this Act shall give to any Owner, Lessee, or Occupier of Land, or other Person, or to any Body, as against any such Company as last aforesaid, in respect of anything lawfully done before the passing of this Act by such Company under any such Special Act, any further or other Right, Power, Jurisdiction, Authority, or Remedy, than he or they would have had if this Act had not been passed: Provided also, that nothing in this Act shall interfere with the Maintenance or Repair, under any such Special Act, of any Work lawfully constructed before the passing of this Act by any such Company under any such Special Act, or with the increasing of the Number of the Wires forming Part of any such Work; and that nothing in this

(*a*) By s. 2 of "The Telegraph Act, 1868" (An Act to enable Her Majesty's Postmaster General to acquire, work, and maintain Electric Telegraphs), this Act is incorporated with that Act, except so far as varied or altered thereby or inconsistent therewith, and the term "the Company" in this Act, in addition to the meaning herein assigned to it, is made to mean the Postmaster General.

By s. 3 of "The Telegraph Act, 1870," such Telegraph Act, 1868, and the Telegraph Act, 1869 (for altering and amending it), are extended to the Islands of Jersey, Guernsey, Sark, Alderney and Man, and the islands and islets adjacent thereto respectively, and for the purpose of such Acts and each of them such islands and islets are respectively deemed to be part of the United Kingdom of Great Britain and Ireland.

26 & 27 Vict., Cap. 112.

Act shall relieve any such Company from any Obligation or Liability under any Agreement made before the passing of this Act, or shall make lawful any Work constructed by the Company before the passing of this Act which is the Subject of any Proceedings at Law or in Equity pending at the passing of this Act, or which has been constructed without such Consent as was required for the Construction thereof before the passing of this Act.

Interpretation of Terms.

3. In this Act—

The Term "the Company" means any Company to be hereafter authorized as aforesaid (herein-after distinguished by the Term "future Company"), or any Company already so authorized (herein-after distinguished by the Term "existing Company"): (*a*)

The Term "Telegraph" means a Wire or Wires used for the Purpose of Telegraphic Communication, with any Casing, Coating, Tube, or Pipe inclosing the same, and any Apparatus connected therewith for the Purpose of Telegraphic Communication:

The Term "Post" means a Post, Pole, Standard, Stay, Strut, or other aboveground Contrivance for carrying, suspending, or supporting a Telegraph:

The Term "Work" includes Telegraphs and Posts:

The Term "Street" (*b*) means a public Way situate with a City, Town, or Village, or between Lands continuously built upon on either Side, and repaired at the public Expense, or at the Expense of any Turnpike or other public Trust, or ratione tenuræ, including the Footpaths of such Way, and any Bridge forming Part thereof:

The Term "public Road" (*b*) means a public Highway for Carriages being repaired at the public Expense, or at the Expense of any Turnpike or other public Trust, or ratione tenuræ, and not being a Street, including the Footpaths of such public Highway, and any Bridge forming Part thereof, and also any Land by the Side and forming Part of such a public Highway, but not including a Railway or Canal:

The Term "Body" includes a Body of Trustees or Commissioners, Municipal Corporation, Grand Jury, Board, Vestry, Company, or Society, whether incorporated or not; and any Provision referring to a Body applies to a Person, as the Case may require:

(*a*) For extension of meaning in Telegraph Act, 1868, see note (*a*), p. 173.

(*b*) For extensions of meanings, see Telegraph Act, 1892, s. 3.

The Term "Person" includes Corporation Aggregate or Sole: * * * 26 & 27 Vict., Cap. 112.

* * *

General Description of Works which a Telegraph Company may execute subject to the Restrictions of this Act.

6. Subject to the Restrictions and Provisions hereinafter contained, the Company may execute Works as follows:

(1.) They may place and maintain a Telegraph under any Street or public Road, and may alter or remove the same:

(2.) They may place and maintain a Telegraph over, along, or across any Street or public Road, and place and maintain Posts in or upon any Street or public Road, and may alter or remove the same:

(3.) They may, for the Purposes aforesaid, open or break up any Street or public Road, and alter the Position thereunder of any Pipe (not being a Main) for the Supply of Water or Gas:

(4.) They may place and maintain a Telegraph and Posts under, in, upon, over, along, or across any Land or Building, or any Railway or Canal, or any Estuary or Branch of the Sea, or the Shore or Bed of any Tidal Water, and may alter or remove the same:

Provided always, that the Company shall not be deemed to acquire any Right other than that of User only in the Soil of any Street or public Road under, in, upon, over, along, or across which they place any Work.

Provision as to Compensation.

7. In the Exercise of the Powers given by the last foregoing Section the Company shall do as little Damage as may be, and shall make full Compensation to all Bodies and Persons interested for all Damage sustained by them by reason or in consequence of the Exercise of such Powers, the Amount and Application of such Compensation to be determined in manner provided by The Lands Clauses Consolidation Act, 1845, and The Lands Clauses Consolidation (Scotland) Act, 1845, respectively, and any Act amending those Acts, for the Determination of the Amount and Application of Compensation for Lands taken or injuriously affected.

Provision as to Gas and Water Pipes. (a)

8. In the Exercise of the aforesaid Powers, the Company shall also be subject to the following Restrictions:

(1.) They shall cause as little Detriment or Inconvenience as Circumstances admit to the Body or Per-

(a) See also Telegraph Act, 1878, s. 7, final paragraph, p. 323.

26 & 27 Vict., Cap. 112.

son to or by whom any Pipe for the Supply of Water or Gas belongs or is used:

(2.) Before they alter the Position of any such Pipe they shall give to the Body to whom the same belongs Notice of their Intention to do so, specifying the Time at which they will begin to do so, such Notice to be given Twenty-four Hours at least before the Commencement of the Work for effecting such Alteration:

(3.) The Company shall not execute such Work except under the Superintendence of the Body to whom such Pipe belongs, unless such Body refuses or neglects to give such Superintendence at the Time specified in the Notice for the Commencement of the Work, or discontinues the same during the Work; and the Company shall execute such Work to the reasonable Satisfaction of such Body:

(4.) The Company shall pay all reasonable Expenses to which such Body may be put on account of such Superintendence:

And the Body to whom any such Pipe belongs may, when and as Occasion requires, alter the Position of any Work of the Company already constructed, or to be hereafter constructed, under, in, or upon a Street or public Road, on the same Conditions as are by the last foregoing and present Sections imposed on the Company in relation to such a Body, *mutatis mutandis*. (*a*)

* * *

Underground Tubes to have distinguishing Mark.

11. Every underground Tube or Pipe of the Company shall be so marked as to distinguish it from Tubes or Pipes of every other Company.

* * *

Where Landowner, &c. is liable to Repair of Street, &c. Company not to place Works in such Street, &c. without Consent.

13. Where any Landowner or other Person is liable for the Repair of any Street or public Road (notwithstanding that the same is dedicated to the Public), the Company shall not place any Work under, in, upon, over, along, or across such Street or public Road, except with the Consent of such Landowner or other Person, in addition to the Consent of the Body having the Control of such Street or public Road, where under this Act such last-mentioned Consent is required: * * *

* * *

(*a*) See also Telegraph Act, 1878, s. 7, final paragraph, p. 323.

27 & 28 Vict., Cap. 96.

SALE OF GAS (SCOTLAND) ACT, 1864.

27 & 28 Vict., Cap. 96. An Act to enable certain Royal and Parliamentary Burghs in Scotland to avail themselves of the Provisions of the Acts Twenty-second and Twenty-third Victoria, Chapter Sixty-six, and Twenty-third and Twenty-fourth Victoria, Chapter One hundred and forty-six, for regulating the Sale of Gas. (*a*)

[29th July 1864.]

[Preamble and introductory words repealed by Statute Law Revision Act, 1893.]

Magistrates of certain Burghs may apply to their District Provisions of recited Acts.

1. The Magistrates of any Royal Burgh whose ordinary Jurisdiction has been extended beyond the Bounds thereof by Act or Acts of Parliament, or of any Parliamentary Burgh having a Population of Twenty thousand, in which Burgh the said Acts have not been brought into operation, may, at any Meeting to be called for the Purpose, resolve that the Provisions of the said recited Acts shall be applicable to the whole District subject to their Jurisdiction on and after a certain Date to be fixed by them, and on the said Resolution being come to the Magistrates shall publish the same and make Proclamation thereof at least Three Months before the said Date so fixed, and thereafter the said recited Acts shall apply to and may be enforced by the said Magistrates within the whole District subject to the Jurisdiction of the said Magistrates: Provided always, that where in the first-recited Act anything is required to be done within a specified Time after the passing thereof, such Time shall for the Purposes of this Act be calculated from the Date fixed in the said Resolution for the Provisions of the said recited Acts coming into operation with respect to such District.

(*a*) Short Title, "The Sale of Gas (Scotland) Act, 1864," See Short Titles Act, 1896, s. 1.

28 & 29 Vict., Cap. 83.

LOCOMOTIVES ACT, 1865.

28 & 29 Vict., Cap. 83. An Act for further regulating the use of Locomotives on Turnpike and other Roads for agricultural and other Purposes. (*a*) [5th July 1865.]

[Preamble reciting Locomotive Act, 1861, and introductory words, repealed by Statute Law Revision Act, 1893.]

Commencement of Act

1. This Act * * * shall cease and determine on the First of September One thousand eight hundred and sixty-seven (*b*).

[Words omitted from s. 1 repealed by Statute Law Revision Act, 1893.]

Certain Sections of 24 & 25 Vict. c. 70. repealed.

2. After the Commencement of this Act and so long as the same shall continue in force, the Fifth, Ninth, Eleventh, and Fifteenth Sections of the said recited Act, and all Orders made in pursuance of the said Fifth Section, are hereby repealed.

* * *

Limit of Speed of Locomotives on Turnpike Roads and Highways.

4. Subject and without Prejudice to the Regulations herein-after authorized to be made by Local Authorities, it shall not be lawful to drive any such Locomotive along any Turnpike Road or public Highway at a greater Speed than Four Miles an Hour, or through any City, Town, or Village at a greater Speed than Two Miles an Hour; and any Person acting contrary thereto shall for every such Offence, on summary Conviction thereof, forfeit any Sum not exceeding Ten Pounds.

[**5.** Size and weight of Locomotives which may be used. Repealed, and new provision substituted therefor so long as this Act continues in force, viz., as to Scotland by Locomotives Amendment (Scotland) Act, 1878, ss. 2, 3, p. 317, and as to England by Highways and Locomotives (Amendment) Act, 1878, ss. 28, 33, pp. 328, 329.]

* * *

(*a*) Short Title, "The Locomotives Act, 1865." See s. 13, under which the Locomotive Act, 1861, and this Act are construed together as one Act. For exemption of certain light locomotives from application of this Act, see Locomotives on Highways Act, 1896, s. 1, p. 446.

(*b*) This Act has been continued in force from time to time by the Expiring Laws Continuance Acts, and was continued in force till the 31st December, 1902, by the Expiring Laws Continuance Act, 1901.

28 & 29 Vict., Cap. 83.

Name and Residence of Owner to be affixed to Locomotives.

7. The Name and Residence of the Owner of every Locomotive shall be affixed thereto in a conspicuous Manner. If it is not so affixed the Owner shall, on summary Conviction, be liable to a Penalty not exceeding Two Pounds.

* * *

In Ireland the County Surveyor to be deemed the Conservator of the Roads in his County, and Proceedings for Damage to be taken in his Name.

9. For the Purposes of this Act, the County Surveyor of each County in *Ireland* shall be deemed to be the Conservator of all the Roads in the County of which he is Surveyor, made or repaired by Grand Jury Presentment; and it shall not be lawful to use any Locomotive, other than those specially authorized by this Act, on any such Road in any County in *Ireland*, without the Consent in Writing of the County Surveyor thereof, approved of by One or more Justices sitting at Petty Sessions; and all Compensation for Damage done by any Locomotive to any Bridge, Gullet, or Arch, or any of the Walls, Buttresses, or Supports thereof, on any such Road in any County in *Ireland*, shall be recoverable in the Name of the County Surveyor thereof, for and on behalf of the County, from the Party liable to pay the same, such Compensation, if not exceeding Ten Pounds, to be recovered in a summary Way by Summons at Petty Sessions, and if over Ten Pounds to be recovered by Process in the Civil Bill Court.

How Penalties to be recovered and applied in Ireland.

10. Every Penalty imposed by the Provisions of this Act shall, in *Ireland*, be recoverable before a Justice or Justices of the Peace in Petty Sessions, subject and according to the Provisions of "The Petty Sessions (*Ireland*) Act, 1851," and any Act amending the same, and shall be applied according to the Provisions of "The Fines (*Ireland*) Act, 1851," and any Act amending the same.

Sect. 41. of 25 & 26 Vict. c. 93. not to be affected.

11. Nothing in this Act contained shall repeal, alter, or in any way affect the Provisions of the Forty-first Section of "The Thames Embankment Act, 1862."

* * *

Short Title.

13. This Act may be cited as "The Locomotives Act, 1865"; and "The Locomotives Act, 1861," (*a*), and this Act, shall be construed together as One Act.

(*a*) The "Locomotive Act, 1861." See s. 14 thereof, p. 159.

28 & 29 Vict., Cap. 90.

METROPOLITAN FIRE BRIGADE ACT, 1865.

28 & 29 Vict., Cap. 90. An Act for the Establishment of a Fire Brigade within the Metropolis.

[5th July 1865]

[Preamble and introductory words repealed by Statute Law Revision Act, 1893.]

Short Title

1. This Act may be cited for all Purposes as the "Metropolitan Fire Brigade Act, 1865."

Definition of "Metropolis" * * *

2. For the Purposes of this Act the "Metropolis" shall mean the City of London and all other Parishes and Places for the Time being within the Jurisdiction of the Metropolitan Board of Works (*a*):

* * *

Duty of Metropolitan Board (*a*) in relation to Fires.

4. * * * The Duty of extinguishing Fires and protecting Life and Property in case of Fire shall within the Metropolis be deemed for the Purposes of this Act to be entrusted to the Metropolitan Board of Works (*a*); and with a view to the Performance of that Duty it shall be lawful for them to provide and maintain an efficient Force of Firemen, and to furnish them with all such Fire Engines, Horses, Accoutrements, Tools, and Implements as may be necessary for the complete Equipment of the Force, or conducive to the efficient Performance of their Duties.

[Words omitted from s. 4 repealed by Statute Law Revision Act 1893.]

* * *

Transfer to Board (*a*) of Powers of Parishes as to Fireplugs.

32. All the Powers now exercised by any Local Body or Officer within the Metropolis as respects Fireplugs shall henceforth be exercised by the Board (*a*), and the Board (*a*) shall be entitled to receive Copies or Extracts of all Plans kept by any Water Company under the

(*a*) Now London County Council. See Local Government Act, 1888, s. 40 (8), p. 362.

Provision of the Act of the Session of the Fifteenth and Sixteenth Years of Her Majesty, Chapter Eighty-four; and every such Water Company shall provide at the Expense of the Board (*a*) in any Mains or Pipes within the Metropolis Plugs for the Supply of Water in case of Fire at such Places, of such Dimensions, and in such Form as the Board (*a*) may require, and the Fire Brigade shall be at liberty to make such Use thereof as they may deem necessary for the Purpose of extinguishing any Fire; and every such Company shall deposit Keys of all their Fireplugs at such Places as may be appointed by the Board (*a*), and the Board (*a*) may put up on any House or Building a public Notice in some conspicuous Place in each Street in which a Fireplug is situated, showing its Situation. 28 & 29 Vict., Cap. 90.

* * *

(*a*) Metropolitan Board of Works (now London County Council.) See s. 4 and note (*a*) thereto.

31 & 32 Vict., Cap. 80.

METROPOLITAN SUBWAYS ACT, 1868.

31 & 32 Vict., Cap. 80. An Act to make Provision respecting the Use of Subways constructed by the Metropolitan Board of Works in the Metropolis. [25th June 1868.]

Whereas Subways have been constructed or are proposed to be constructed in the new Streets and Roadways which the Metropolitan Board of Works (*a*), in this Act called "the Board," are by virtue of the several Acts set forth in the Schedule to this Act authorized to make within the Metropolis: And whereas, in order to prevent Inconvenience to the Public by the frequent breaking up of the said Streets and Roadways, it is expedient to enable the Board (*a*) to require Companies or Persons intending or required to place Water, Gas, and other Pipes in the said Streets and Roadways to lay the same in the Subways upon proper Terms and Conditions; and it is also expedient to make other Provision respecting the Use of Subways in the Metropolis: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as "The Metropolitan Subways Act, 1868."

Interpretation of Terms.

2. In this Act the Term "Subway" means an arched Passage or covered Way under the Surface of a Street constructed for the Reception of Gas, Water, and other Pipes; the Term "Street" has the same Meaning as it has in "The Metropolis Management Act, 1855," and shall include any Roadway on any Embankment or Land reclaimed from the River Thames or connected therewith; the Term "Pipe" includes Gas Pipe, Water Pipe, Tube for Telegraph Wires or other Tube, and any Apparatus connected with a Pipe or Tube; the Ex-

(*a*) Metropolitan Board of Works (now London County Council.) See Local Government Act, 1888, s. 40 (8), p. 362.

pression "the Metropolis" means the Metropolis as defined by "The Metropolis Management Amendment Act, 1862." 31 & 32 Vict., Cap. 80.

Extent of Act.

3. This Act shall apply only to the several Subways under any Street constructed under the Powers of the respective Acts set forth in the Schedule to this Act annexed.

As to new Pipes.

Power for Board (*a*) to require Companies, &c. to use Subways.

4. Where any Company, Body, or Person is desirous of laying or may be required to lay any Pipe under the Surface of any Street under which there is a Subway to which this Act applies, and the Board (*a*), by Notice served on such Company, Body, or Person, requires them or him to lay the same in the Subway, then, notwithstanding anything in any Special or General Act of Parliament contained, it shall not be lawful for such Company, Body, or Person to lay the same under the Surface of the Street otherwise than in the Subway, or after the Service of such Notice to open or break up the Street for that Purpose.

Remedies against Companies, &c. violating foregoing Provisions.

5. If any Company, Body, or Person lays a Pipe or opens or breaks up a Street in any respect in contravention of the foregoing Provision, they or he shall for every such Offence (without Prejudice to any other Remedy or Proceeding against them or him) be liable to a Penalty not exceeding Twenty Pounds; and the Board (whether having the Control or Management of the Surface and Soil of the Street or not), if they think fit, may remove the Pipe so laid, and may fill in the Ground and make good the Surface and Pavement of the Street so opened or broken up, and the Expenses incurred by the Board (*a*) in so doing shall be repaid, on Demand, to the Board (*a*) by such Company, Body, or Person, and in default of Payment may be recovered as a Penalty is under this Act recoverable.

As to existing Pipes in Streets in which there is a Subway.

6. Where the Board (*a*) has before or after the passing of this Act constructed a Subway under any Street to which this Act applies, and a Pipe has been laid under the Surface of the Street otherwise than in the Subway, the Board (*a*) may, by Notice served on the Company, Body, or Person to whom such Pipe belongs, require them or him to remove the same into the Subway, and the Cost of such Removal shall be defrayed by the Board (*a*); and if any Difference arise as to the reasonable Amount of such Cost, the same shall be settled by an Arbitrator to be appointed by the Board of Trade on the Application of

(*a*) Metropolitan Board of Works (now London County Council.) See Local Government Act, 1888, s. 40 (8), p. 362.

31 & 32 Vict., Cap. 80.

either Party, and the Cost of the Reference shall be in the Discretion of the Arbitrator; and if Default be made by the Company in the Removal of any such Pipe, the Board (*a*), whether having the Control or Management of the Surface and Soil of the Street or not, if they think fit, may take up the Pipe in respect of which Default is made, and may remove the same into the Subway, and if it be necessary for the Purpose of such Removal to substitute new Pipes for the existing Pipes in the Street, the Arbitrator may apportion the Cost of such Substitution between the Board and the Company, Body, or Person, if he considers the Company, Body, or Person derive any Benefit from the Substitution.

Right of all Companies, &c. to use Subways.

7. This Board (*a*) shall, so far as Space will admit, and without Favour or Preference, allow Pipes to be laid in a Subway.

Pipes to be maintained by Companies, &c.

8. All Pipes placed in the Subways shall be maintained by the Companies, Bodies, or Persons to whom the same belong, under the Supervision of an Officer appointed by the Board (*a*), and the Subways shall be maintained by the Board (*a*) in an efficient State of Ventilation and Repair, and free from Water and other Obstruction in the Way of the Companies, Bodies, and Persons using the same.

As to Supervision.

9. The Supervision of the Pipes and the general Supervision of the Subways to be provided by the Board (*a*) shall be in such Manner and upon such Terms, pecuniary and otherwise, as may be agreed upon between the Board (*a*) and the Company, Body, and Person using the Subway, and, in case of Difference, the Manner and Terms of such Supervision shall be determined by the Board of Trade, or by an Arbitrator appointed by that Board (*a*), on the Application of either Party, and the Costs of the Reference shall be in the Discretion of the Arbitrator, and each Party shall do all Acts necessary to give Effect to such Arbitration.

Application to this Act of Powers, &c. of Local Management Act, &c.

See Section 202 and fol-

10. For the Purposes and in the Execution of this Act, the Board shall have and may exercise all such Powers, Privileges, and Authorities as are conferred on the Board (*a*) by the Acts constituting and regulating the Board (*a*), and as far as may be the Provisions of those Acts shall apply for the Purposes and in the Execution of this Act, and in particular the Provisions of those Acts relative to Byelaws shall extend to empower the Board (*a*) to make,

(*a*) Metropolitan Board of Works (now London County Council. See Local Government Act, 1888, s. 40 (8), p. 362.

alter, and repeal Byelaws for regulating the Use of Subways constructed by the Board (*a*) before or after the passing of this Act, and of the Communications therewith; and Penalties under this Act shall be recoverable and applicable as Penalties under the said Acts are recoverable and applicable. 31 & 32 Vict., Cap. 80. lowing Sections of the Local Management Act, 1855.

11. No Byelaws made under the Authority of this Act shall come into operation until the same be allowed by the Board of Trade, and Twenty-one Days Notice of the Intention to apply to the Board of Trade for the Allowance of such Byelaws shall be given to the Gas and Water Companies supplying Gas and Water in the Districts in which the Subways to which such Byelaws relate shall be situate; and the Board of Trade may allow, disallow, or alter any such Byelaws as they think proper. No Byelaws to come into operation until allowed by the Board of Trade.

12. The Costs, Charges, and Expenses of and incidental and preliminary to the obtaining and passing of this Act, and incurred by the Board (*a*) in relation thereto, and of carrying the same into effect, shall be paid by the Board (*a*) out of the Funds which they may raise within the Metropolis, as defined by "The Metropolis Management Amendment Act, 1862," under the Powers and Provisions of "The Metropolis Management Act, 1855," and the Acts amending the same. Expenses of Act.

The SCHEDULE to which the foregoing Act refers.

Acts authorizing the making, by the Metropolitan Board of Works (*a*), of new Streets and Roadways.

1. Covent Garden Approach, and Southwark and Westminster Communication Act, 1857.
2. Victoria Park Approach Act, 1858.
3. The Thames Embankment Act, 1862.
4. The Thames Embankment Act, 1863.
5. The Metropolis Improvement Act, 1863.
6. The Thames Embankment Act, 1864.
7. The Whitechapel and Holborn Improvement Act, 1865.

(*a*) Metropolitan Board of Works (now London County Council.) See Local Government Act, 1888, s. 40 (8), p. 362.

31 & 32 Vict., Cap. 125.

CITY OF LONDON GAS ACT, 1868.

31 & 32 Vict., Cap. 125. An Act to amend the Metropolis Gas Act, 1860, and to make further Provision for regulating the Supply of Gas to the City of London; and for other Purposes connected therewith. (*a*) [13th July 1868.]

Whereas the City of London is now supplied with Gas by the Gas Light and Coke Company, the City of London Gas Light and Coke Company (*b*), and the Great Central Gas Consumers Company (*b*), and it is expedient that the Metropolis Gas Act, 1860, be amended so far as it affects these Companies, and that better Provision be made respecting the Supply of Gas to that Part of the Metropolis situate within the City of London (*a*), and that for that Purpose the Metropolis Gas Act. 1860, (in this Act referred to as the Act of 1860,) so far as it relates to the City of London (*a*), be amended:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

PRELIMINARY.

Short Title.

1. This Act may be cited as The City of London Gas Act, 1868. (*a*)

Interpretation of Terms.

2. In this Act—

The Term "the City" means the City of London and the Liberties thereof;

The Term "the Commissioners of Sewers" means the Commissioners of Sewers of the City (*c*);

The Term "Corporation" means the Mayor and

(*a*) By the Gaslight and Coke Company's Act, 1868, s. 109, p. 512, the application of this Act is extended to the whole undertaking of the Gaslight and Coke Company, without as well as within the City of London.

(*b*) These Companies are now amalgamated with the Gaslight and Coke Company.

(*c*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

Commonalty and Citizens of the City of London, and any Powers given to them may be exercised by the Mayor, Aldermen, and Commons in Common Council assembled; 31 & 32 Vict., Cap. 125.

The Terms "Companies" and "Company" mean the Gas Light and Coke Company, the City of London Gas Light and Coke Company (*a*), and the Great Central Gas Consumers Company (*a*), and each of them;

The Term "Undertaking" includes all Property and Rights;

The Term "Half Year" means a Half Year reckoned from the First Day of January and First Day of July in each Year;

The Term "Quarter" means a Quarter of a Year reckoned from the First Day of January, First Day of April, First Day of July, and First Day of October in each Year;

The Term "Day" means (except in this Section) Twenty-four Hours reckoned from Nine o'Clock in the Forenoon of One Day to Nine o'Clock in the Forenoon of the next following Day, so much of each Day as is before Nine o'Clock in the Forenoon being reckoned as Part of the immediately preceding Day of the Month or Week;

The Term "Candles" means such Candles as are described in Section 25 of the Act of 1860;

and this Act shall be read as One with the Act of 1860.

Certain Sections of 23 & 24 Vict. c. 125, as in Schedule to this Act, repealed.

3. Such Parts of the Act of 1860 as are described in the First Schedule to this Act, and any Part of any Special Act of any Company inconsistent with this Act, so far only as they respectively relate to the Companies and the City (*b*), are hereby repealed as from the Thirtieth Day of September One thousand eight hundred and sixty-eight, and the Act of 1860 so amended shall, as to all the Companies mentioned in the Preamble of the said Act, be read throughout as if the Board of Trade had been inserted therein instead of Her Majesty's Principal Secretary of State for the Home Department.

[**4-17,** inclusive. Purchase of Undertakings of Companies within three years after passing of Act. Time elapsed.]

AMALGAMATION (*c*).

Scheme by Companies for Amalgamation.

18. The Companies may, as soon as may be after the Expiration of Six Months from the passing of this Act,

(*a*) Now amalgamated with the Gaslight and Coke Company.

(*b*) And to the whole undertaking of the Gaslight and Coke Company. See that Company's Act, 1868, s. 109, p. 512.

(*c*) For extension of powers of amalgamation, see Gaslight and Coke Company's Act, 1871, s. 56, p. 516, and South Metropolitan Gas Company's Act, 1876, s. 64, p. 543.

31 & 32 Vict., Cap. 125.

settle a Scheme for the Amalgamation of the Companies or some of them, and shall submit the same to the Board of Trade, and such Scheme shall be framed with a view to the Reduction of the Expenditure of the Companies.

Examination of Scheme by Board of Trade.

19. The Board of Trade shall give Notice in the London Gazette, and by Advertisement in Two Daily Morning Newspapers published in London or Middlesex, of the Submission of such Scheme, and shall cause Copies of such Notice and Scheme to be delivered to the Corporation, and shall receive any Representations made to them by the Corporation respecting the Scheme, and shall consider the Scheme and Representations (if any), and may suggest any Modifications of the Scheme.

Confirmation of Scheme.

20. If the Companies assent to the Modifications (if any) suggested by the Board of Trade, and the Scheme, whether modified or not, is confirmed by Order of Her Majesty in Council, the same shall have full Effect and shall be as binding as if it had been enacted by Parliament.

Provisions for Districts, Compensation, &c.

21. Any Scheme under this Act shall contain proper Provisions respecting a Re-arrangement of Districts, and respecting the Position of Stations for the Manufacture or Storage of Gas and other Works, and respecting the Mode of dealing with the Capitals of the Companies, and respecting a Change of the Name of the Companies, and respecting the Incorporation, Name, and Powers of the amalgamated Company, and the vesting in them of any Property and Rights, and other proper Provisions for the necessary Incidents and Consequences of Amalgamation, and shall provide for proper Compensation to any Secretary, Engineer, Accountant, Collector, or other salaried Officer of any Company, whose Office or Employment is abolished by or will become unnecessary under the Scheme.

Provisions of Scheme as to Capital.

22. Provided that any Scheme under this Act shall not contain any Provisions that would authorize the Application of Share or Loan Capital, or any Money arising from the Sale of disused Works or of superfluous Lands, to any Purposes other than those to which Capital is properly applicable, or any Provision for the Reduction of any Share Capital already authorized by Parliament.

Meaning of Company.

23. After any such Amalgamation an amalgamated Company shall be deemed to be a Company within the Meaning of the Act of 1860 and of this Act.

Sale of Copies.

24. Each amalgamated Company shall at all Times keep at their principal Office printed Copies of the

Scheme relating to the Company, with the confirming Order in Council, and shall sell Copies to all Persons desiring to buy the same, at a reasonable Rate, not exceeding Sixpence for each Copy. If any Company fail to comply with this Provision they shall be liable to a Penalty not exceeding Twenty Pounds, and to a further Penalty not exceeding Five Pounds for every Day during which such Failure continues after the First Penalty is incurred. 31 & 32 Vict., Cap. 125.

[**25-28**, inclusive. Repealed by Gaslight and Coke Company Act, 1876, s. 8, p. 518.]

GAS REFEREES.

29. The Board of Trade shall as soon as may be after the passing of this Act appoint Three competent and impartial Persons, One at least of them having practical Knowledge and Experience in the Manufacture and Supply of Gas, who shall be called the Gas Referees (and who are in this Act referred to as the Gas Referees), and in case of a Vacancy happening among them by Death, Resignation, or otherwise shall appoint a competent and impartial Person to fill the Vacancy, One at least of the Three being always qualified as aforesaid. Appointment of Referees.

30. Every Person appointed to be One of the Gas Referees shall continue in Office for One Year only from the Date of his Appointment, but shall be capable of Re-appointment. Continuance of Referees.

31. Two of the Gas Referees shall be a Quorum, and at least Two of the Referees shall concur in every Act or Determination of the Referees. Quorum, &c. of Referees.

32. A Copy of each Certificate of the Gas Referees required by this Act shall be sent by them to the Corporation, and to each of the Companies. Certificates of Referees.

[**33-84**, inclusive. Repealed by Gaslight and Coke Company Act, 1876, s. 8, p. 518.]

MISCELLANEOUS AMENDMENTS.

85. A Company supplying Gas to public Lamps, or the Commissioners of Sewers (*a*), may at their own Expense cause to be affixed to each Lamp the Instrument known as a Street Lamp Governor, and the Commissioners of Sewers or the Company (as the Case requires) shall be entitled to have Access thereto for the Purpose of examining the same; and in case any Dispute arises between the Company and the Commissioners of Governors for Street Lamps.

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

31 & 32 Vict., Cap. 125.

Sewers with reference to the affixing, Operation, or Inspection of Governors, the same shall be referred to the Determination of the Chief Gas Examiner, whose Decision shall be final and conclusive.

Limit of Charge for Gas supplied to Public Lamps.

86. A Company shall not charge a higher Price per One thousand Cubic Feet for Gas supplied to the Commissioners of Sewers (*a*) than the lowest Price per One thousand Cubic Feet charged by them at the same Time to any private Customer, but if the Company contend, as against the Commissioners of Sewers, that there are special Circumstances justifying them in charging a lower Price to any other Customer, the Question shall be determined by Arbitration whether or not such lower Price shall be taken as the Standard for the Price to be charged to the Commissioners of Sewers, and the Price fixed by such Arbitration shall continue for Two Years at least.

Settlement of Differences by Arbitration.

87. Section Thirty-eight of the Act of 1860 shall be read as if the Lands Clauses Consolidation Act, 1845, were therein mentioned instead of the Companies Clauses Consolidation Act, 1845.

Company to make a Map of Mains and Appliances beneath the Public Ways

88. Each Company shall, within Six Months of the passing of this Act, make a Map of the District within which their Mains or Pipes may be laid to a Scale of not less than Five Feet to a Mile, and shall show thereupon the Lines, Sizes, and Depth beneath the Surface of all their existing Mains or Pipes, excepting the Service Pipes to separate Houses, and the Positions of all Valves, Syphons, and other Appliances, and shall once in every Year, on or before the Thirty-first Day of December, correct such Map and make such Alterations in or Additions thereto as may be necessary to show correctly, as near as may be, the Lines, Positions, Sizes, and Depths of the various Pipes, and also their Appliances, and shall keep such Map in the principal Office of the Company, and the same shall be open to the Inspection of the Commissioners of Sewers and their Officers, and to the Public generally, who may inspect or take Copies of or Extracts of the same; and the Company may charge and take the Sum of One Shilling for each Inspection of such Map, and the further Sum of Two Shillings and Sixpence for each Extract, Tracing, or Copy taken of such Map.

Penalty on Company for Default.

89. If the Company fail to comply with any Requirements of this Act in respect of such Map they

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

shall for every such Offence forfeit and pay any Sum which Two Justices of the Peace may adjudge, not exceeding the Sum of Fifty Pounds. 31 & 32 Vict., Cap. 125.

90. Where a Dispute arises between a Company and One of their Customers respecting any Payment to be made to the Company, if the Customer deposits with the Company, by way of Security, the Amount claimed by them, it shall not be lawful for the Company to discontinue a Supply of Gas to the Consumer by reason of the Dispute; but nothing herein shall authorize a Company, where such Deposit is not made, to discontinue a Supply of Gas to the Customer in any Case in which they would not have been authorized to do so if this Act had not been passed. Deposit in case of Dispute.

[**91, 92.** Repealed by Gaslight and Coke Company Act, 1876, s. 8, p. 518. For substituted Provisions as to Chief Gas Examiner, Auditor, and Gas Examiners, see City of London (Various Powers) Act, 1877, ss. 15, 16, p. 302.]

COSTS.

93. All Costs, Charges, and Expenses incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the Corporation and the Companies in equal Moieties as and to whom the Board of Trade direct; and the Moiety of the Companies shall be paid in proportion to the Amount of their paid-up Share Capital, but the paid-up Capital of the Gas Light and Coke Company shall for this Purpose be taken to be the Capital apportioned to their District within the City under Section Seventy-nine of this Act. Expenses of Act.

The SCHEDULE to which the foregoing Act refers.

Parts of Metropolis Gas Act, 1860, so far as they relate to the City (*a*), repealed.

Section Two, as far as it incorporates the Provisions of the Gasworks Clauses Act, 1847, with respect to the Amount of Profit to be received by the Undertakers from the Gasworks carried on for their Benefit, or imposes any Restriction on a Company in respect of the Rate of Dividend.

Sections Seven to Twelve, both inclusive.

Sections Twenty-five to Thirty-four, both inclusive.

Section Thirty-seven.

Sections Forty and Forty-one.

(*a*) And to the whole Undertaking of the Gaslight and Coke Company, without as well as within the City. See Gaslight and Coke Company's Act, 1868, s. 109, p. 512.

32 & 33 Vict., Cap. 30.

CITY OF LONDON SUBWAYS ACT, 1869.

32 & 33 Vict., Cap. 30. An Act to make provision respecting the use of Subways under the management of the Commissioners of Sewers of the City of London and the liberties thereof; and for other purposes. [24th June 1869.]

27 & 28 Vict. c. lxi. 30 & 31 Vict. c. lv.

Whereas subways are in course of construction by the mayor, aldermen, and commons of the city of London, in common council assembled, under the viaduct or raised way and parts of the new streets authorized by "The Holborn Valley Improvement Act, 1864," as amended by "The Holborn Valley Improvement (Additional Works) Act, 1867," (and which said Acts are herein-after referred to as the recited Acts,) and the same, when completed, will be under the management of the Commissioners of Sewers (*a*) of the city of London and the liberties thereof, in this Act called the commissioners:

And whereas, in order to prevent inconvenience to the public by the frequent breaking up of the surface of the viaduct and new streets, it is expedient that the commissioners (*a*) be enabled to require companies, bodies, and persons intending or required to place water, gas, or other pipes in or under the viaduct and new streets to lay them in the subway on proper terms and conditions; and it is also expedient to make other provisions respecting the use of the subway:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited as "The City of London Subways Act, 1869."

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

32 & 33 Vict., Cap. 30.

Interpretation of terms.

2. In this Act the term "subway" means an arched passage or covered way under the surface of a street, constructed for the reception of gas, water, and other pipes:

The term "street" includes viaduct, road, square, alley, court, thoroughfare, and public place, constructed or to be hereafter constructed under the powers of the recited Acts or either of them:

The term "pipe" includes gas pipe, water pipe, tube for telegraph wires, or other tube, and all apparatus connected with a pipe or tube.

Requisition for use of subways for new pipes.

3. Where any company, body, or person is desirous of laying a pipe under the surface of a street, under which street there is or may be a subway of the commissioners (*a*), constructed or to be hereafter constructed under the powers of the recited Acts or either of them, and the commissioners (*a*), by notice served on the company, body, or person, require them or him to lay the same in the subway, then, after service of the notice, and notwithstanding anything in any Act of Parliament now in force, it shall not be lawful for that company, body, or person to lay the pipe under the surface of the street otherwise than in the subway, or to open or break up the street for that purpose.

Remedies against companies, &c. violating provisions of Act.

4. If any company, body, or person lays a pipe or opens or breaks up a street in any respect in contravention of this Act, they or he shall for every such offence (without prejudice to any other remedy or proceeding against them or him) be liable to a penalty not exceeding twenty pounds, and the commissioners (*a*) (whether having the control or management of the surface and soil of the street or not), if they think fit, may remove the pipe so laid, and may fill in the ground, and make good the surface and pavement of the street opened or broken up, and the expenses incurred by them in so doing shall be paid to them, on demand, by such company, body, or person, and in default of payment may be recovered as a penalty under this Act is recoverable.

Removal of existing pipes into subway.

5. Where there is under a street a subway under the management of the commissioners (*a*), and a pipe has been laid under the surface thereof otherwise than in the subway, the commissioners (*a*) may, by notice served on the company, body, or person to whom the pipe belongs, require them or him to remove the same into the subway, and they or he shall remove the same accordingly, and the expenses of such removal shall be defrayed by the

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

32 & 33 Vict., Cap. 30.

commissioners (*a*); and if any difference arises respecting the reasonable amount of those expenses, the same shall be settled by an arbitrator to be appointed by the Board of Trade on the application of either party, and the costs of the reference shall be in the discretion of the arbitrator; and in case it is necessary for the purpose of such removal to substitute any new pipe for any existing pipe in the street, the arbitrator may apportion the cost of such substitution between the commissioners (*a*) and the company, body, or person, if he considers that the company, body, or person will derive any benefit from the removal or substitution. If the company, body, or person fail to comply with the notice, the commissioners (*a*) (whether having the control or management of the surface and soil of the street or not), if they think fit, may take up the pipe in respect of which default is made, and may remove the same into the subway, and for that purpose may open and break up the street.

General use of subway.

6. The commissioners (*a*) shall, as far as space will admit, and without favour or preference, allow pipes to be laid in any subway under their management.

Maintenance of pipes and subways.

7. All pipes placed in a subway under this Act shall be maintained by the companies, bodies, or persons to whom the same belong, under the supervision of the commissioners (*a*), and the subway shall be maintained by the commissioners (*a*) in an efficient state of ventilation and repair, and free from water and other obstruction in the way of the companies, bodies, or persons using the same.

Manner and terms of supervision.

8. The supervision of the pipes in a subway, and the general management of the subway by the commissioners (*a*), shall be conducted in such manner and on such terms, pecuniary and other, as are from time to time agreed on between the commissioners (*a*) and the companies, bodies, and persons using the subway, or as in case of difference are determined by the Board of Trade, or by an arbitrator appointed by that board on the application of either party, and the costs of the reference shall be in the discretion of the arbitrator, and each party shall do all acts necessary to give effect to the reference and award.

Application of Commissioners' Acts, &c.

9. For the purposes and in the execution of this Act, the commissioners (*a*) shall have and may exercise all powers, privileges, and authorities conferred on them by the Acts constituting and regulating them, and, as far as may be, the provisions of those Acts shall apply for the

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

purposes and in the execution of this Act, and particularly the provisions in those Acts, or either of them, relating to the recovery and application of penalties. 32 & 33 Vict., Cap. 30.

10. Nothing in this Act shall take away or abridge any right or power or authority vested in or exerciseable by the mayor, aldermen, and commons of the city of London in common council assembled, or the commissioners (*a*) independently of this Act. Saving for powers.

11. The costs, charges, and expenses preliminary to, and of and incidental to, the preparing, applying for, obtaining, and passing this Act shall be paid by the mayor, aldermen, and commons out of any money coming to them under "The Holborn Valley Improvement Act, 1864," and "The Holborn Valley Improvement (Additional Works) Act, 1867," or any Act of Parliament passed to provide funds for the execution of the works authorized by those Acts. Expenses of Act.

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

33 & 34 Vict., Cap. 70.

GAS AND WATER WORKS FACILITIES ACT, 1870.

33 & 34 Vict., Cap. 70. An Act to facilitate in certain cases the obtaining of powers for the construction of Gas and Water Works and for the supply of Gas and Water. (*a*)

[9th August 1870.]

[Introductory words repealed by Statute Law Revision (No. 2) Act, 1893.]

PRELIMINARY.

Short title.

1. This Act may be cited for all purposes as "The Gas and Water Works Facilities Act, 1870."

Interpretation of terms.

2. For the purposes of this Act the terms hereinafter mentioned shall have the meanings herein-after assigned to them; that is to say,

The term "local authority" shall mean the bodies of persons named in the table in the Schedule (A.) to this Act annexed:

The term "road" shall mean any carriageway being a public highway, and any bridge forming part of the same:

The term "road authority" shall mean any local authority, board, town council, body corporate, commissioners, trustees, vestry, or other body or persons in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road:

The term "district," in relation to a local authority, shall mean the area within the jurisdiction of such local authority:

The term "The Lands Clauses Acts" means, so far as the Provisional Order in which that term is used relates to England or Ireland, the Lands Clauses Consolidation Act, 1845; and, so far as the same relates to Scotland, the Lands Clauses Consolidation (Scotland) Act, 1845; together with, in each case, the Lands Clauses Consolidation Acts Amendment Act, 1860.

(*a*) This Act does not apply to the Metropolis. See s. 15.

DESCRIPTION OF CASES WITHIN THIS ACT. (a)

33 & 34 Vict., Cap. 70.

Act to apply to certain cases. (a)

3. This Act shall apply where powers are required for all or any of the purposes following:—

(1.) To construct or to maintain and continue gasworks and works connected therewith, or to manufacture and supply gas in any district within which there is not an existing company, corporation, body of commissioners, or person empowered by Act of Parliament to construct such works or to manufacture and supply gas:

(2.) To construct or to maintain and continue waterworks and works connected therewith, or to supply water in any district within which there is not an existing company, corporation, body of commissioners, or person empowered by Act of Parliament to construct such works and to supply water:

(3.) To raise additional capital necessary for any of the purposes aforesaid:

(4.) To enable two or more companies or persons duly authorised to supply gas or water in any district or in adjoining districts to enter into agreements jointly to furnish such supply, or to amalgamate their undertakings:

(5.) To authorise two or more companies or persons supplying gas or water in any district or in adjoining districts to manufacture and supply gas or to supply water, and to enter into agreements jointly to furnish such supply and to amalgamate their undertakings:

and such purposes, or any one or more of them, as the case may be, shall, for the purposes of this Act, be deemed to be included in the term "gas undertaking" or "water undertaking," according as the same relate to the supply of gas or water; provided that any gas or water company empowered as aforesaid may apply for and avail themselves of the facilities of this Act within their own districts respectively.

PROVISIONAL ORDERS AUTHORISING GAS AND WATER UNDERTAKINGS.

By whom provisional orders authorising undertakings

4. Provisional Orders authorising any gas undertaking or water undertaking under the authority of this Act may be obtained in any district by any company, companies, or person; and in the construction of this Act the

(a) For power of urban authorities to obtain provisional orders under this Act, see Public Health Act, 1875, s. 161, and Public Health (Ireland) Act, 1878, s. 80, p. 272.

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term "the undertakers" shall be deemed to include any such company, companies, or person.

may be obtained.

Where the undertakers require powers for the purpose of constructing gasworks or waterworks, or works connected therewith within any district, the consent of the local authority of such district shall be necessary before any Provisional Order can be obtained; and where in such district there is a road authority distinct from the local authority, the consent of such road authority shall also be necessary in any case where power is sought to break up any road of such road authority, before any Provisional Order can be obtained, unless the Board of Trade in any case in which the consent of the local authority or road authority is refused are of opinion, after inquiry, that, having regard to all the circumstances of the case, such consent ought to be dispensed with, and in such case they shall make a special report, stating the grounds upon which they have dispensed with such consent.

Notices and deposit of documents by promoters as in schedule.

5. The undertakers intending to make an application for a Provisional Order in pursuance of this Act shall proceed as follows:—

(1.) On or before the first of November next before their application they shall give notice in writing of their intention to make the same to every company, corporation, or person (if any) supplying gas (if the proposed application relates to gasworks) or water (if the proposed application relates to waterworks) within the district to which the proposed application refers:

(2.) In the months of October and November next before their application, or in one of those months, they shall publish notice of their intention to make such application by advertisement, according to the regulations contained in Part One of the Schedule (B.) to this Act; and where it is proposed to abstract water from any stream for any waterwork, they shall give notice in writing of their intention to make such application to the owners or reputed owners, lessees or reputed lessees, and occupiers of all mills and manufactories or other works using the waters of such stream for a distance of twenty miles below the point at which such water is intended to be abstracted, such distance to be measured along the course of such stream, unless such waters shall within a less distance than twenty miles fall into or unite with any navigable stream, and then only to the owners or reputed owners,

lessees or reputed lessees, and occupiers of such mills and manufactories as aforesaid which shall be situate between the point at which such water is proposed to be abstracted and the point at which such water shall fall into or unite with such navigable stream; and such notice shall state the name (if any) by which the stream is known at the point at which such water shall be immediately abstracted, and also the parish in which such point is situate, and the time and place of deposit of the plans and sections required by this Act to be deposited: 33 & 34 Vict., Cap. 70.

(3.) On or before the thirtieth day of the same month of November they shall deposit the documents described in Part Two of the same schedule, according to the regulations therein contained:

(4.) On or before the twenty-third day of December in the same year they shall deposit the documents described in Part Three of the same schedule, according to the regulations therein contained.

All maps, plans, and documents required by this Act to be deposited for the purposes of any Provisional Order may be deposited with the persons and in the manner directed by the Act of the session of Parliament held in the seventh year of the reign of His late Majesty, King William the Fourth and the first year of Her present Majesty, intituled "An Act to compel clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the standing orders of either House of Parliament"; and all the provisions of that Act shall apply accordingly.

Power for Board of Trade to determine on application and on objection.

6. The Board of Trade shall consider the application, and also any objection thereto that may be lodged with them on or before such day as they from time to time appoint, and shall determine whether or not the undertakers may proceed with the application.

Power for Board of Trade to make Provisional Order.

7. Where it appears to the Board of Trade expedient and proper that the Application should be granted, with or without addition or modification, or subject or not to any restriction or condition, and it has been proved to their satisfaction that all the requisitions of section five of this Act have been in all respects complied with, the Board of Trade may settle and make a Provisional Order accordingly.

Every such Provisional Order if it relates to gasworks shall expressly restrict the undertakers from manufacturing

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gas or any residual products arising in the manufacture of gas on any land except such as is specified in that behalf in the order; and shall also expressly restrict them from storing gas on any land except such as is specified in that behalf in the order within three hundred yards from any dwelling-house existing at the time when the undertakers propose to store gas on such land, without the consent in writing of the owner, lessee, and occupier of such dwelling-house.

Form and contents of Provisional Order.

Every such Provisional Order shall contain such other provisions as, according to the nature of the application and the facts and circumstances of each case, the Board of Trade thinks fit to submit to Parliament for confirmation in manner provided by this Act; but so that any such Provisional Order shall not contain any provision for empowering the undertakers or any other person to acquire lands otherwise than by agreement, or to acquire any lands, even by agreement, except to an extent therein limited.

Costs of Order.

The costs of and connected with the preparation and making of each Provisional Order shall be paid by the undertakers, and the Board of Trade may require the undertakers to give security for such costs before they proceed with the Provisional Order.

Publication of Provisional Order as in schedule.

8. When a Provisional Order has been made as aforesaid and delivered to the undertakers, the undertakers shall forthwith deposit and publish the same by advertisement according to the regulations contained in Part Four of the Schedule (B.) to this Act.

Confirmation of Provisional Order by Act of Parliament.

9. On proof to the satisfaction of the Board of Trade of the completion of such publication as aforesaid, the Board of Trade shall, as soon as they conveniently can after the expiration of seven days from the completion of such publication in relation to any Provisional Order which shall have been published as aforesaid, not later than the twenty-fifth of April in any year procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order, which shall be set out at length in the schedule to the Bill; but until confirmation by Act of Parliament a Provisional Order under this Act shall not have any operation.

If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein, the Bill, so far as it relates to the order petitioned against, may be referred to a select committee, and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

The Act of Parliament confirming any Provisional Order under this Act shall be deemed a Public General Act. 33 & 34 Vict., Cap. 70.

Incorporation of general Acts in Provisional Order.

10. The provisions of The Lands Clauses Acts, shall be incorporated with every Provisional Order under this Act, save where the same are expressly varied or excepted by any such Provisional Order, and except as to the following provisions, namely,—

(1.) With respect to the purchase and taking of lands otherwise than by agreement.

(2.) With respect to the entry upon lands by the promoters of the undertaking.

Where a Provisional Order authorises a gas undertaking the provisions of "The Gasworks Clauses Act, 1847," shall be incorporated with such Provisional Order, save where the same are thereby expressly varied or excepted.

Where a Provisional Order authorises a water undertaking the provisions of "The Waterworks Clauses Act, 1847," and of "The Waterworks Clauses Act, 1863," shall be incorporated with such Provisional Order, save where the same are thereby expressly varied or excepted.

For the purposes of such incorporation a Provisional Order under this Act shall be deemed the special Act.

Cesser of powers at expiration of prescribed time.

11. If any undertakers empowered by any Provisional Order under this Act to make works do not, within three years from the date of such Provisional Order, or within any shorter period prescribed therein, complete the works; or,

If within one year from the date of the Provisional Order, or within such shorter time as is prescribed in the Provisional Order, the works are not substantially commenced; or,

If the works are commenced, but whilst the powers to carry them on exist are suspended without a reason sufficient in the opinion of the Board of Trade to warrant such suspension;

the powers given by the Provisional Order to the undertakers for executing such works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the same as is then completed, unless the time be prolonged by the special direction of the Board of Trade.

A statement in writing by the Board of Trade to the effect that such works have not been completed, or that the works have not been substantially commenced, or that they have been suspended without sufficient reason, shall

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be conclusive evidence for the purposes of this section of such non-completion, non-commencement, or suspension.

Gas rents and water rates in schedule.

12. The undertakers empowered by any Provisional Order under this Act may demand and take, in respect of gas or water supplied by them under the authority of such Provisional Order, rents and rates respectively not exceeding the sums specified in such Provisional Order, subject and according to the regulations therein specified.

Company not exempt from provisions of general Act.

13. Nothing in any Provisional Order, or Act confirming the same, shall exempt the undertaking, or the company, corporation, or person to whom it belongs, from the provisions of any general Act of Parliament relating to gasworks or waterworks passed after the passing of this Act, or from any revision or alteration under the authority of Parliament of the maximum rents and rates allowed to be taken under the Provisional Order.

Queen in Council may substitute any department for Board of Trade for the purposes of this Act.

14. For the purpose of carrying into effect the provisions of this Act, it shall be lawful for Her Majesty at any time after the passing of this Act, by Order in Council, to substitute for the Board of Trade any other department of Her Majesty's Government, and from and after such time as may be specified for the purpose in any such order, or if no time be specified therein from and after the date of such order, all matters to be done in pursuance of this Act by or in connexion with the Board of Trade shall be done by or in connexion with such substituted department.

Act not to apply to Metropolis.

15. This Act shall not apply to any place within the Metropolis, as the same is defined in the Metropolis Management Act, 1855.

SCHEDULE A.

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.
England and Wales.	
Boroughs (1.) - - - - - -	The mayor, aldermen, and burgesses acting by the council.
Any place other than a borough, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any Local Act with powers of improving, cleansing, or paving any town.	The commissioners, trustees, or other persons intrusted by the Local Act with powers of improving, cleansing, or paving the town.
Any place not included in the above descriptions, and within the jurisdiction of local board constituted in pursuance of the Public Health Act, 1848, (*a*) and the Local Government Act, 1858, (*a*) or one of such Acts.	The local board.
Any place or parish not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The vestry, select vestry, or other body of persons, acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry.
Scotland.	
Places within the jurisdiction of any town council, and not subject to the separate jurisdiction of police commissioners or trustees.	The town council.
In places within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any General or Local Act.	The police commissioners or trustees.
In any parish or part thereof over which the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend.	The parochial board.
Ireland.	
The City of Dublin - - - -	The Right Honourable the Lord Mayor, aldermen, and burgesses acting by the town council.
Towns corporate, with exception of Dublin.	The mayor, aldermen and burgesses, acting by the town council.

(1.) "Borough" shall mean any place for the time being subject to an Act passed in the session holden in the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the "Regulation of Municipal Corporations in England and Wales." (*b*)

(*a*) Repealed by Public Health Act, 1875, s. 343. Reference now to that Act. See s. 313 thereof, p. 274.

(*b*) Repealed by Municipal Corporations Act, 1882, s. 5. Reference now to boroughs subject to that Act. See s. 242. (3.) thereof.

SCHEDULE A (*continued.*)

Districts of Local Authorities.	Description of Local Authority of District set opposite its Name.
Towns having commissioners under an Act made in the 9th year of the reign of George the Fourth, intituled "An "Act to make provision for the "Lighting, Cleansing, and Watching "of Cities and Towns corporate and "Market Towns in Ireland in certain "cases." (*a*)	The Commissioners.
Towns having municipal commissioners under 3 & 4 Vict. c. 108.	The municipal commissioners.
Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 103), or any Acts amending the same, or under any Local Act.	The town commissioners.
Townships having commissioners under Local Acts.	The township commissioners.

SCHEDULE B.

PROVISIONAL ORDERS.

PART I.

Advertisement in October or November of intended application.

(1.) Every advertisement is to contain the following particulars:

1. The objects of the intended application.
2. A general description of the nature of the proposed new works, if any.
3. The names of the townlands, parishes, townships, and extra-parochial places in which the proposed new works, if any, will be made.
4. The times and places at which the deposit under Part II. of this schedule will be made.
5. An office, either in London or at the place to which the intended application relates, at which printed copies of the draft Provisional Order, when deposited, and of the Provisional Order, when made, will be obtainable as herein-after provided.

(2.) The whole notice is to be included in one advertisement, which is to be headed with a short title descriptive of the undertaking.

(3.) The advertisement is to be inserted once at least in each of two successive weeks in some one and the same newspaper published in the district affected by the proposed undertaking, where the proposed works (if any) will be made; or if there be no such newspaper, then in some one and the same newspaper published in the county in which every such district, or some part thereof, is situate; or if there be none, then in some one and the same newspaper published in some adjoining or neighbouring county.

(4.) The advertisement is also, in every case, to be inserted once at least in the London, Edinburgh, or Dublin Gazette, accordingly as the district is situate in England, Scotland, or Ireland.

PART II.

Deposit on or before 30th November.

(1.) The undertakers are to deposit—

1. A copy of the advertisement published by them.
2. If the application relates to gas, a map showing the land proposed to be used for the manufacture of gas, or of residual products arising in the manufacture of gas.

(*a*) Repealed by Local Government (Ireland) Act, 1898, s. 110. (2.), p. 479. Reference now to that Act. See same section, proviso (a).

3. A proper plan and section of the proposed new works, if any, such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf.

(2.) The documents aforesaid are to be deposited for public inspection—

In England or Ireland, in the office of the clerk of the peace for every county, riding, or division; in Scotland, in the office of the principal sheriff clerk for every county, district, or division which will be affected by the proposed undertaking, or in which any proposed new work will be made.

(3.) The documents aforesaid are also to be deposited at the office of the Board of Trade.

PART III.

Deposit on or before 23rd December.

(1.) The undertakers are to deposit at the office of the Board of Trade—

1. A memorial signed by the undertakers, headed with a short title descriptive of the undertaking (corresponding with that at the head of the advertisement), addressed to the Board of Trade, and praying for a Provisional Order.
2. A printed draft of the Provisional Order as proposed by the undertakers, with any schedule referred to therein.
3. An estimate of the expense of the proposed new works, if any, signed by the persons making the same.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement; such copies to be there furnished to all persons applying for them at the price of not more than one shilling each.

(3.) The memorial of the undertakers (to be written on foolscap paper, bookwise, with quarter margin) is to be in the following form, with such variations as circumstances require:—

[*Short title of undertaking.*]

To the Board of Trade,

The memorial of the undertakers of [*short title of undertaking*]:

Showeth as follows;

1. Your memorialists have published, in accordance with the requirements of the Gas and Water Works Facilities Act, 1870, the following advertisement:

[*Here advertisement to be set out verbatim.*]

2. Your memorialists have also deposited, in accordance with the requirements of the said Act, copies of the said advertisement and [*Here state deposit of the several matters required by Act*].

Your memorialists, therefore, pray that a Provisional Order may be made in the terms of the draft proposed by your memorialists, or in such other terms as may seem meet.

A.B.,
C.D.,
Undertakers.

PART IV.

Deposit and advertisement of Provisional Order when made.

(1.) The undertakers are to deposit printed copies of the Provisional Order, when settled and made, for public inspection in the offices of clerks of the peace and sheriff clerks, where the documents required to be deposited by them under Part II. of this schedule were deposited.

(2.) They are also to deposit a sufficient number of such printed copies at the office named in that behalf in the advertisement, such copies to be there furnished to all persons applying for them at the price of each.

(3.) They are also to publish the Provisional Order as an advertisement once in the local newspaper in which the original advertisement of the intended application was published.

33 & 34 Vict., Cap. 78.

TRAMWAYS ACT, 1870.

33 & 34 Vict., Cap. 78. An Act to facilitate the construction and to regulate the working of Tramways. [9th August 1870.]

[Introductory words repealed by Statute Law Revision (No. 2) Act, 1893.]

Preliminary.

Short title

1. This Act may be cited for all purposes as "The Tramways Act, 1870."

Limitation of Act.

2. This Act shall not extend to Ireland.

Interpretation of terms.

3. For the purposes of this Act the terms herein-after mentioned shall have the meanings herein-after assigned to them; that is to say,

The terms "local authority" and "local rate" shall mean respectively the bodies of persons and rate named in the table in Part One of the schedule (A.) to this Act annexed:

The term "road" shall mean any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same:

The term "road authority" shall mean, in the districts specified in the table in Part Two of the schedule (A.) to this Act annexed, the bodies of persons named in the same table, and elsewhere any local authority, board, town council, body corporate, commissioners, trustees, vestry, or other body or persons in whom a road as defined by this Act is vested, or who have the power to maintain or repair such road:

PART I.

[4-21. *Provisional Orders authorising the Construction of Tramways.*]

PART II. 33 & 34 Vict., Cap. 78.

Construction of Tramways.

* * *

30. For the purpose of making, forming, laying down, maintaining, repairing, or renewing any of their tramways, the promoters may from time to time, where and as far as it is necessary, or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connexion with the same, alter the position of any mains or pipes for the supply of gas or water, or any tube, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Act, and also subject to the following restrictions; (that is to say,) Provision as to gas and water companies.

1. Before laying down a tramway in a road in which any mains or pipes, tubes, wires, or apparatus may be laid, the promoters shall, whether they contemplate altering the position of any such mains or pipes, wires, or apparatus, or not, give seven days notice to the company, persons, or person to whom such mains or pipes, tubes, wires, or apparatus may belong or by whom they are controlled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such company or persons that the construction of the tramway as proposed would endanger any such main or pipe, tube, wire, or apparatus, or interfere with or impede the supply of water or gas or the telegraphic or other communication, such company or person (as the case may be) may give notice to the promoters to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus in such manner as may be considered necessary, and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences between the promoters and other companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company or person to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of

33 & 34 Vict., Cap. 78.

such company or person or of their surveyor or engineer if they or he think fit to attend, after receiving not less than forty-eight hours notice for that purpose, which notice the promoters are hereby required to give:

2. The promoters shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, or apparatus, or other works belonging to or controlled by any such company or person, or do anything to impede the passage of water or gas or the telegraphic or other communication into or through such mains or pipes, without the consent of such company or person, or in any other manner than such company or person shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to be removed or displaced, shall at the expense of the promoters have been first made and laid down in lieu thereof and ready for use, and to the satisfaction of the surveyor or engineer of such water or gas or other company, or of such person, or, in case of disagreement between such surveyor or engineer and the promoters, as an engineer appointed by the Board of Trade shall direct:

3. The promoters shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas or other company, or relating to telegraphs:

4. The promoters shall make good all damage done by them to property belonging to or controlled by any such company or person, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property, or with the private service pipes of any person supplied by any such company or person with water or gas:

5. If by any such operations as aforesaid the promoters interrupt the supply of water or gas in or through any main or main pipe they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted.

* * *

33 & 34 Vict., Cap. 78.

Rights of authorities and companies, &c. to open roads.

32. Nothing in this Act shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power vested in any local authority or road authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, but in the exercise of such power every such local authority, road authority, company, body, or person shall be subject to the following restrictions; (that is to say,)

1. They shall cause as little detriment or inconvenience to the promoters and lessees as circumstances admit:
2. Before they commence any work whereby the traffic on the tramway will be interrupted they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the promoters and lessees, if there be any, notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work:
3. They shall not be liable to pay to the promoters or lessees any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid:
4. Whenever for the purpose of enabling them to execute such work the local authority or the road authority shall so require, the promoters or lessees shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the local authority or the road authority, as the case may be, with all reasonable expedition:
5. Any company, body, or person shall not execute such work so far as it immediately affects the tramway except under the superintendence of the promoters, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work or discontinue the same during the progress of the

33 & 34 Vict., Cap. 78.

work; and they shall execute such work at their own expense, and to the reasonable satisfaction of the promoters: Provided that any additional expense imposed upon them by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such tramway shall be borne by the promoters.

Difference between promoters and road authority, &c.

33. If any difference arises between the promoters or lessees on the one hand and any local authority or road authority, or any gas or water company, or any company, body, or person to whom any sewer, drain, tube, wires, or apparatus for telegraphic or other purposes may belong, or any other company, on the other hand, with respect to any interference or control exercised, or claimed to be exercised, by them or him, or on their or his behalf, or by the promoters or lessees by virtue of this Act, in relation to any tramway or work, or in relation to any work or proceeding of the local authority, road authority, body, company, or person, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the promoters or lessees, or on the question whether any work is such as ought reasonably to satisfy the local authority, road authority, body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

* * *

Motive power for carriages used on tramways. (a)

34. * * * All carriages used on any tramway shall be moved by the power prescribed by the special Act, and where no such power is prescribed, by animal power only.

* * *

(a) For Regulations of Board of Trade for protection of Gas and Water Pipes where electrical traction is employed, see Appendix C, pp. 585-589.

34 & 35 Vict., Cap. 41.

GASWORKS CLAUSES ACT, 1871.

34 & 35 Vict., Cap. 41. An Act to amend the Gasworks Clauses Act, 1847. (*a*)
[13th July, 1871.]

[Preamble and introductory words repealed by Statute Law Revision (No. 2) Act, 1893].

10 & 11 Vict. c. 15 and this Act to be construed together.

1. The Gasworks Clauses Act, 1847, and this Act, shall be construed together as one Act, and the provisions of this Act shall be held to repeal and supersede such of the provisions of that Act as are inconsistent with this Act.

Short title.

2. This Act may be cited as "The Gasworks Clauses Act, 1871."

Application of Act.

3. The provisions of this Act shall apply to every gas undertaking authorised by any special Act hereafter passed, or by any provisional order made under the authority of the Gas and Water Works Facilities Act, 1870, save where the said provisions are expressly varied or excepted by any such special Act or provisional order; and every such special Act and provisional order is in this Act included in the term "the special Act."

Interpretation of terms.

4. Terms used in this Act have the same meanings respectively as the same terms have when used in the Gasworks Clauses Act, 1847, and in the Gas and Water Works Facilities Act, 1870.

The term "prescribed" in this Act shall mean prescribed by the special Act:

The term "premises" in this Act shall include house and building:

And the expression "superior courts" or "court of competent jurisdiction" in this Act, or in any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand in respect of which the expression is used were an ordinary simple contract debt and not a debt or demand created by statute.

(*a*) For application of this Act to the Gaslight and Coke Company and the South Metropolitan Gas Company, see Gaslight and Coke Company's (Capital Consolidation) Act, 1898, s. 21, p. 529, and South Metropolitan Gas Company's Acts, 1881, s. 2, p 544, and 1882, s. 2, p. 545. For exclusion of its application to the Commercial Gas Company, see s. 3 of that Company's Act of 1875, p. 557.

34 & 35 Vict., Cap. 41.

General Provisions.

Prohibition against erecting gasworks elsewhere than on lands specified in schedule.

5. The Undertakers shall not manufacture gas, or any residual products, except upon lands described in the special Act, and they shall not store gas, except upon those lands, without the previous consent in writing of the owner, lessee, and occupier of every dwelling-house situate within three hundred yards of the limits of the site where such gas is intended to be stored.

Sale of superfluous lands.

6. The Undertakers may sell and dispose of any lands which are vested in them, or which they are authorised to purchase, or which they may hereafter require, and which shall not be required for the purposes of the undertaking, and the provisions of "The Lands Clauses Consolidation Act, 1845," sections 128 to 132 (both sections inclusive) shall apply to any such sale; and the Undertakers may also from time to time sell and dispose of any works, buildings, or erections on any lands belonging to them which shall not be required for the purposes of the undertaking.

Receipts of guardians, &c. to be sufficient discharge.

7. If any money be payable to a shareholder in a gas undertaking, being a minor, idiot, or lunatic, the receipt of his or her respective guardian or committee shall be a sufficient discharge to the Undertakers for the same.

For appointment of receiver.

8. The mortgages of the Undertakers may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages, in England and Ireland, by the appointment of a receiver, and in Scotland by the appointment of a judicial factor; and in order to authorise the appointment of a receiver or judicial factor in respect of principal, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than in the whole one thousand pounds, or such sum as shall be specified in the special Act.

Undertakers not exempted from indictment.

9. Nothing in this or the special Act shall exonerate the Undertakers from any indictment, action, or other proceeding for nuisance in the event of any nuisance being caused by them.

Power to take easements, &c. by agreement.

10. Persons empowered by "The Lands Clauses Consolidation Act, 1845," to sell and convey or release lands may, if they think fit, subject to the provisions of that Act, and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," grant to the Undertakers any easement, right, or privilege, not being an easement of

water, required for the purposes of the special Act, in, over, or affecting any such lands; and the provisions of the last-mentioned Acts with respect to lands and rent-charges, as far as the same are applicable in this behalf, shall extend and apply to such grants, or to such easement, rights, or privileges as aforesaid. 34 & 35 Vict., Cap. 41.

Supply of Gas to Owners and Occupiers of Premises.

Undertakers to furnish sufficient supply of gas to owners and occupiers within the limits of the special Act.

11. The Undertakers shall, upon being required so to do by the owner or occupier of any premises situate within twenty-five yards from any main of the Undertakers, or such other distance as may be prescribed, give and continue to give a supply of gas for such premises, under such pressure in the main as may be prescribed, and they shall furnish and lay any pipe that may be necessary for such purpose, subject to the conditions following; (that is to say,)

The cost of so much of any pipe for the supply of gas to any owner or occupier as may be laid upon the property of such owner or in the possession of such occupier, and of so much of any such pipe as may be laid for a greater distance than thirty feet from any pipe of the Undertakers, although not on such property, shall be defrayed by such owner or occupier.

Every owner or occupier of premises requiring a supply of gas shall—

Serve a notice upon the Undertakers at their office, specifying the premises in respect of which such supply is required, and the day (not being an earlier day than a reasonable time after the date of the service of such notice) upon which such supply is required to commence;

Enter into a written contract with the Undertakers (if required by them so to do) to continue to receive and pay for a supply of gas for a period of at least two years, of such an amount that the rent payable for the same shall not be less than twenty pounds per centum per annum on the outlay incurred by the Undertakers in providing any pipe to be provided by them for the purpose of such supply; and

Give to the Undertakers (if required by them so to do) security for the payment to them of all moneys which may become due to them by such owner or occupier in respect of any pipe to be furnished by the Undertakers and in respect of gas to be supplied by them.

34 & 35 Vict., Cap. 41.

Provided always, that the Undertakers may, after they have given a supply of gas for any premises, by notice in writing, require the owner or occupier of such premises, within seven days after the date of the service of such notice, to give to them security for the payment of all moneys which may from time to time become due to them in respect of such supply, in case such owner or occupier has not already given such security, or in case any security given has become invalid, or is insufficient, and in case any such owner or occupier fails to comply with the terms of such notice, the Undertakers may, if they please, discontinue to supply gas for such premises so long as such failure continues.

Quality of gas.

12. The quality of the gas supplied by the Undertakers shall, with respect to its illuminating power, be such as to produce at the testing place provided in conformity with this Act a light equal in intensity to that produced by the prescribed number of sperm candles of six in the pound, and such gas shall as to its purity not exhibit any trace of sulphuretted hydrogen when tested in accordance with the rules prescribed in that behalf in Part II. of the Schedule A. to this Act annexed.

Undertakers may require consumers to use meters.

13. Every consumer of gas supplied by the Undertakers shall, if required to do so by them, consume such gas by a meter duly stamped under the authority of an Act passed in the session of Parliament held in the twenty-second and twenty-third years of the reign of Her present Majesty, intituled "An Act for regulating Measures used in Sales of Gas," and being a legal meter within the meaning of the said Act, or by a meter supplied or approved by the Undertakers: Provided always, that where the provisions of the said Act are in force no meter shall be used unless the same shall be a legal meter within the meaning of the said Act, and that elsewhere the Undertakers shall not refuse to approve of any meter which when duly tested according to the rules contained in the said Act for regulating measures used in sales of gas is found to be correct within the meaning of the said Act.

Undertakers to supply meters.

14. The Undertakers shall supply to any owner or occupier of premises within the limits of the special Act requiring the same a meter for registering gas supplied by them: Provided always, that such owner or occupier shall, if required, previous to receiving such meter, give to the Undertakers security for payment to them of the price of such meter if he desires to purchase the same, or of the rent of such meter if he desires to hire the same.

34 & 35 Vict., Cap. 41.

Meters not to be connected or disconnected without notice.

15. No consumer shall connect any meter with any pipe through which gas is supplied by the Undertakers to such meter, or disconnect any meter from any such pipe, unless he shall have given to the Undertakers not less than twenty-four hours notice in writing of his intention so to do, and if any person acts in contravention of this section he shall be liable for each offence to a penalty not exceeding forty shillings.

Nature and amount of security.

16. Where any owner or occupier is required by the special Act to give security to the Undertakers, such security may be by way of deposit or otherwise, and of such amount as he and the Undertakers agree on, or as, in default of agreement, may be determined, on the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Consumer to keep his meter in proper order.

17. Every consumer of gas supplied by the Undertakers shall at all times, at his own expense, keep all meters belonging to him whereby any gas of the Undertakers is registered in proper order for correctly registering such gas, and in default of his so doing the Undertakers may cease to supply gas through such meter. The Undertakers shall have access to and be at liberty to take off, remove, test, inspect, and replace any such meter at all reasonable times, such taking off, removal, testing, inspecting, and replacing to be done at the expense of the Undertakers if the meter be found in proper order, but otherwise at the expense of the consumer.

Power to the Undertakers to let meters.

18. The Undertakers may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such remuneration in money, and on such terms with respect to the repair of such meter and fittings, and for securing the safety and return to the Undertakers of such meter, as may be agreed upon between the hirer and the Undertakers, and such remuneration shall be recoverable in the same manner as the rents or sums due to the Undertakers for gas, and such meters and fittings shall not be subject to distress, or to the landlord's remedy for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law or equity, or any proceedings in bankruptcy against the persons in whose possession the same may be.

Undertakers to keep meter let for hire in repair.

19. The Undertakers shall at all times, at their own expense, keep all meters let for hire by them to any con-

34 & 35 Vict., Cap. 41.

sumer in proper order for correctly registering gas, and in default of their so doing the consumer shall not be liable to pay rent for the same during such time as such default continues. The Undertakers shall, for the purposes aforesaid, have access to and be at liberty to remove, test, inspect, and replace any such meter at all reasonable times.

Register of gas meters to be primâ facie evidence.

20. The register of the meter shall be primâ facie evidence of the quantity of gas consumed, and in respect of which any rent is charged and sought to be recovered by the Undertakers: Provided always, that if the Undertakers and the consumer differ as to the quantity consumed, such difference may be determined, upon the application of either party, by two justices, who may also order by which of the parties the costs of the proceedings before them shall be paid, and the decision of the justices shall be final and binding on all parties.

Power to enter buildings for ascertaining quantities of gas consumed.

21. Any officer appointed by the Undertakers may at all reasonable times enter any building or land lighted with gas supplied by the Undertakers, in order to inspect the meters, fittings, and works for the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall for every such offence forfeit to the Undertakers a sum not exceeding five pounds.

Power to remove meter and fittings.

22. In all cases in which a consumer of gas supplied by the Undertakers ceases to require a supply of such gas, and in all cases in which the Undertakers are authorised to take away and cut off the supply of gas from any premises, it shall be lawful for the Undertakers, their agents or workmen, after twenty-four hours notice in writing, under the hand of the secretary or other properly authorised officer of the Undertakers, to the occupier, or if unoccupied, then to the owner or lessee, or to the agent of the owner or lessee, of any premises in which any pipes, meters, fittings, or apparatus belonging to the Undertakers are laid or fixed, and through or in which the supply of gas is from any such cause discontinued, to enter such premises between the hours of nine in the morning and four in the evening, for the purpose of removing and to remove such pipes, meters, fittings, or apparatus, repairing all damage caused by such entry or removal.

Recovery of charges for gas.

23. In case any person who shall have been supplied with gas by the Undertakers shall neglect or refuse to pay

the amount due in respect of such supply, any justice may issue his summons to such person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid; and if on the appearance of such person, or in default of appearance after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, any justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person, for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the cost of cutting off the gas, if the same shall have been cut off by the Undertakers, as to such justice shall seem just and reasonable. 34 & 35 Vict., Cap. 41.

Supply of Gas to Local Authorities.

24. The Undertakers shall supply gas to any public lamps within the distance of fifty yards from any of the mains of the Undertakers in such quantities as the local authority of each district or the trustees of any turnpike road or any highway board within the limits of the special Act may from time to time require to be supplied, and the price to be charged by the Undertakers and to be paid to them for all gas so supplied shall be settled by agreement between the local authorities and the Undertakers, and in case of difference by arbitration, regard being had to the circumstances of the case and the prices charged to private consumers in the district. Supply and price of gas to public lamps.

25. The gas supplied to the public lamps within the limits of the special Act shall be consumed by meter, at the option either of the local authority of the district or the Undertakers, and in case of its being consumed by meter the meter shall be provided and fixed by the Undertakers, and be paid for by the party requiring it. As to consumption of gas supplied to the public lamps.

If the gas is supplied to the public lamps in any district by average meter indication, the Undertakers shall, for securing uniformity of consumption between metered and unmetered lamps, from time to time provide the public lamps in such district with proper self-acting pressure regulators and burners to the satisfaction of the local authority of such district; and the average amount of the indications of all the meters attached to the public lamps within such district under the control of the local authority shall, except as herein-after mentioned, be deemed to be the amount consumed by each such lamp in such district.

34 & 35 Vict., Cap. 41.

Governors for street lamps.

26. In case gas is supplied to the public lamps in any district by the Undertakers, they or the local authority of such district may, at their own expense, cause to be affixed to each lamp the instrument known as a street lamp governor, and the Undertakers or such local authority (as the case requires) shall be entitled to have access thereto for the purpose of examining the same.

For settlement of differences between the Undertakers and the local authority.

27. Any difference which may arise between the Undertakers and any local authority in relation to the supply or consumption of gas to or by such local authority shall be from time to time settled by arbitration in manner provided by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

Testing of Gas.

Testing place.

28. The Undertakers shall cause to be provided, at the place prescribed and within the prescribed time, a testing place, with apparatus therein, for the purposes following, or such of them as may be prescribed by the special Act; that is to say,—

1. For testing the illuminating power of the gas supplied:
2. For testing the presence of sulphuretted hydrogen in the gas supplied.

The said apparatus shall be in accordance with the regulations prescribed in Part I. of the Schedule A. to this Act annexed, or according to such rules as may from time to time be substituted in lieu thereof by any special Act, and shall be so situated and arranged as to be used for the purpose of testing the illuminating power and purity of the gas supplied by the Undertakers, and the Undertakers shall at all times thereafter keep and maintain such testing place and apparatus in good repair and working order.

Appointment and powers of gas examiners.

29. The local authority of any district within the limits of the special Act, where the gas is not supplied by such local authority, may after the passing of the special Act from time to time appoint, or may appoint and keep appointed, a competent and impartial person to be a gas examiner to test the gas at the testing place provided in conformity with the provisions of this Act; and such gas examiner may there test the illuminating power and purity of the gas supplied by the Undertakers, on any or every day between the hours of five o'clock and ten o'clock in the afternoon from the first day of October to the thirty-

first day of March, both inclusive, and on any or every day between the hours of eight o'clock and eleven o'clock in the afternoon from the first day of April to the thirtieth day of September, both inclusive. 34 & 35 Vict., Cap. 41.

Two justices may appoint gas examiner.

30. Where no such gas examiner is appointed, or where the testing of the gas is imperfectly attended to by the local authority, two justices, on the application of consumers of the gas of the Undertakers, not being less than five, by order in writing may appoint some competent and impartial person to be gas examiner, and such person may at any time within the hours aforesaid, on producing the said order, enter on the premises of the Undertakers, and there test the illuminating power and purity of the gas supplied by them.

Representation of Undertakers.

31. The Undertakers may, if they think fit, on each occasion of the testing of the gas by the gas examiner, be represented by some officer, but such officer shall not interfere in the testing.

Mode of testing.

32. Any test taken in pursuance of this Act shall be taken in accordance with the rules prescribed in Part II. of the Schedule A. to this Act annexed.

Report of gas examiner.

33. The gas examiner shall, on the day immediately following that on which the testing of the illuminating power or purity of the gas has been conducted, make and deliver a report of the results of his testing to the local authority or justices by whom he was appointed, and to the Undertakers, and such report shall be receivable in evidence.

Access to testing place.

34. The Undertakers shall give to the gas examiner and to his assistants, and to every local authority within the limits of the special Act and their agents, access to the testing place, and shall afford all facilities for the proper execution of this Act; and in case the Undertakers make default in complying with any of the provisions of this section they shall for every such default be liable to a penalty not exceeding five pounds to the local authority or to the persons making the application.

Accounts.

Accounts, &c.

35. The Undertakers shall fill up and forward to the local authority of every district within the limits of the special Act, on or before the twenty-fifth day of March in each year, an annual statement of accounts, made up to the thirty-first day of December then next preceding, as

34 & 35 Vict., Cap. 41

near as may be in the form and containing the particulars specified in the Schedule B. to this Act annexed.

The Undertakers shall keep copies of such annual statement at their office, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

The Board of Trade, with the consent of the Undertakers, may alter the said forms for the purpose of adapting them to the circumstances of the undertaking, or of better carrying into effect the objects of this section.

In case the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Penalties.

Penalty for failure to supply gas.

36. Whenever the Undertakers neglect or refuse to give a supply of gas to any owner or occupier of premises within the limits of the special Act entitled to the same, under such pressure as is prescribed, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Whenever the Undertakers neglect or refuse to supply gas as by this Act required to all or any of the public lamps in accordance with the provisions of this Act, they shall be liable to a penalty not exceeding forty shillings for each default.

If it shall be proved to the satisfaction of any two justices not being shareholders in the undertaking, after hearing the parties, that on any day the gas supplied by the Undertakers is under less pressure, of less illuminating power, or of less purity than it ought to be according to the provisions of this or the special Act, the Undertakers shall in every such case forfeit and pay to the local authority or other persons making application for testing the gas such sum not exceeding twenty pounds as the justices shall determine.

Penalties not cumulative.

Penalties imposed on the Undertakers for one and the same offence by several Acts of Parliament shall not be cumulative, and for such purpose the special Act and the Acts incorporated therewith shall be deemed several Acts.

Cost of experiment to be paid according to event.

37. Where the gas examiner is appointed by the justices as aforesaid, the costs of and attending such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceedings before the justices, shall be ascertained by such justices, and in the event of any penalty being imposed on the

Undertakers shall be paid, together with such penalty, by the Undertakers, but in the event of no penalty being imposed the costs shall be in the discretion of the justices. 34 & 35 Vict., Cap. 41.

38. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any pipes, meter, or fittings belonging to the Undertakers, or alters the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or fraudulently abstracts, consumes, or uses gas of the Undertakers, shall (without prejudice to any other right or remedy for the protection of the Undertakers or the punishment of the offender) for every such offence forfeit and pay to the Undertakers a sum not exceeding five pounds, and the Undertakers may in addition thereto recover the amount of any damage by them sustained; and in any case in which any person has wilfully or fraudulently injured or suffered to be injured any pipes, meter, or fittings belonging to the Undertakers, or altered the index to any meter, or prevented any meter from duly registering the quantity of gas supplied, the Undertakers may also, until the matter complained of has been remedied, but no longer, discontinue the supply of gas to the person so offending (notwithstanding any contract previously existing); and the existence of artificial means for causing such alteration or prevention, or for abstracting, consuming, or using gas of Undertakers, when such meter is under the custody or control of the consumer, shall be primâ facie evidence that such alteration, prevention, abstraction, or consumption, as the case may be, has been fraudulently, knowingly, and wilfully caused by the consumer using such meter. Penalty for injuring meters.

Recovery of Gas Rents.

39. In case any consumer of gas supplied by the Undertakers leaves the premises where such gas has been supplied to him without paying the gas rent or meter rent due from him, the Undertakers shall not be entitled to require from the next tenant of such premises the payment of the arrears left unpaid by the former tenant, unless such incoming tenant has undertaken with the former tenant to pay or exonerate him from the payment of such arrears. Incoming tenants not liable to pay arrears of gas rents, &c.

40. If any person supplied with gas or with any gas meter or fittings by the Undertakers neglects to pay to the Undertakers the rent due for such gas or the rent or money due to the Undertakers for the hire or fixing of such meter, or any expenses lawfully incurred by the Recovery of rents, &c.

34 & 35 Vict., Cap. 41.

Undertakers in cutting off the gas from the premises of such person, the Undertakers may recover the sum so due in like manner as a penalty under this Act.

Recovery of sums due to Undertakers.

41. Whenever any person neglects to pay any rent or sum due and payable by him to the Undertakers, the Undertakers may recover the same, with full costs of suit, in any court of competent jurisdiction, and the remedy of the Undertakers under this enactment shall be in addition to their other remedies for the recovery of such rent or sum.

Legal Proceedings.

Contents of summons or warrant.

42. Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof or in a schedule thereto, several names and several sums.

Warrant of distress shall include costs.

43. Any justice who issues a warrant of distress in pursuance of the provisions of this Act may order that the costs of the proceedings for the recovery of the money to be levied shall be paid by the person liable to pay such money, and such costs shall be ascertained by the justice, and shall be included in the warrant of distress for the recovery of such money.

Summary proceedings for offences, penalties, &c.

44. All offences and penalties under this Act, and all money forfeited, and all money and costs by this Act directed to be recovered as penalties, may be prosecuted and recovered in manner directed by "The Gasworks Clauses Act, 1847," with respect to the recovery of penalties.

Service of notices by Undertakers.

45. Every notice which the Undertakers are by this Act required to serve upon any person shall be served by being delivered to the person for whom it is intended, or by being left at his usual or last known place of abode, or sent by post addressed to such persons, or if such person or his address be not known to the Undertakers, and cannot after due inquiry be found or ascertained, then by being affixed for three days to some conspicuous part of the premises to which such notice relates.

Liability to gas rent not to disqualify justices from acting.

46. No justice or judge of any county court or quarter sessions shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or other charge under this Act.

SCHEDULE (A.)

PART I.

Regulations in respect of testing apparatus.

1. *The apparatus for testing the illuminating power of the gas* shall consist of the improved form of Bunsen's photometer, known as Letheby's open 60-inch photometer, or Evans' enclosed 100-inch photometer, together with a proper meter, minute clock, governor, pressure gauge, and balance.

The burner to be used for testing the gas shall be such as shall be prescribed.

The candles used for testing the gas shall be sperm candles of six to the pound, and two candles shall be used together.

2. *The apparatus—*

(*a.*) *For testing the presence in the gas of sulphuretted hydrogen.*—A glass vessel containing a strip of bibulous paper moistened with a solution of acetate of lead, containing sixty grains of crystallised acetate of lead dissolved in one fluid ounce of water.

PART II.

Rules as to mode of testing gas.

I. *Mode of testing for illuminating power.*

The gas in the photometer is to be lighted at least fifteen minutes before the testings begin, and it is to be kept continuously burning from the beginning to the end of the tests.

Each testing shall include ten observations of the photometer made at intervals of a minute.

The consumption of the gas is to be carefully adjusted to five cubic feet per hour.

The candles are to be lighted at least ten minutes before beginning each testing, so as to arrive at their normal rate of burning, which is shown when the wick is slightly bent and the tip glowing. The standard rate of consumption for the candles shall be 120 grains each per hour. Before and after making each set of ten observations of the photometer the gas examiner shall weigh the candles, and if the combustion shall have been more or less per candle than 120 grains per hour he shall make and record the calculations requisite to neutralize the effects of this difference.

The average of each set of ten observations is to be taken as representing the illuminating power of that testing.

II. *Mode of testing.*

(*a.*) *For sulphuretted hydrogen.*—The gas shall be passed through the glass vessel containing the strip of bibulous paper moistened with the solution of acetate of lead for a period of three minutes, or such longer period as may be prescribed; and if any discolouration of the test paper is found to have taken place, this is to be held conclusive as to the presence of sulphuretted hydrogen in the gas.

SCHEDULE B.

Form of Annual Accounts.

The Gas Company.
Year ended 31st December 18 .

A.—STATEMENT OF SHARE CAPITAL, On the 31st December 18 .

1. Description of Capital.	2. Maximum Dividend authorised.	3. Number of Shares issued.	4. Nominal Amount of Share.	5. Called up per Share.	6. Total paid up.	7. Amount issued but not paid up.	8. Remaining to be issued.	9. Total Amounts authorised.

B.—STATEMENT OF LOAN CAPITAL, On the 31st December 18 .

1. Description of Loan (Mortage, Bond, Debenture, Stock, &c.).	2. Rate per Cent. of Interest.	3. Total Amounts borrowed at 31st December 18 .	4. Remaining to be borrowed.	5. Total Amounts authorised.

Total share capital paid up (See A.) . . . . £
Do. loan do. borrowed (See B.). . . . £

Total capital received . . . £

C.—CAPITAL ACCOUNT,

For the year ended 31st December 18 .

—	Expenditure to 31st December 18 .	Expended this Year.	Total to 31st December 18 .	—	Certified Receipts, 31st December 18 .	Received during Year.	Total Receipts, to 31st December 18 .
	£ s. d.	£ s. d.	£ s. d.		£ s. d.	£ s. d.	£ s. d.
1. To expenditure to 31st December 18 .				1. By ordinary shares of £ each			
Since that Date.							
2. To lands acquired, including law charges				2. „ ditto of £ each			
3. „ new buildings, manufacturing plant, machines, storage works, and other structures connected with manufacture				3. „ preference shares of £ each			
4. „ new mains and service pipes (not being in place of old ones), including laying same, paving, and other works connected with distribution				4. „ debenture stock			
5. „ new meters (not in place of old ones), including fixing				5. „ mortgages and bonds ..			
6. „ cost of promoting special Act ..				6. „ amount received in anticipation of calls			
7. „ special items (if any)							
Total expenditure							
To balance of capital account				Total			
		£					

D.—REVENUE ACCOUNT, for the year ended 31st December 18 .

To MANUFACTURE OF GAS.	£ s. d.	£ s. d.	By SALE OF GAS.	£ s. d.	£ s. d.
1. Coals, including dues, carriage, unloading, and all expenses of depositing same on works ..			1. Common gas (cubic feet), at / per 1,000 cubic feet.		
2. Purifying materials, oil, water, and sundries at works..			2. Cannel gas (cubic feet), at / per 1,000 cubic feet.		
3. Salaries of engineers, including chief engineer (if any), superintendents, and officers at works..			3. Public lighting and under contracts ..		
4. Wages and gratuities at works					
5. Repairs and maintenance of works and plant (including renewal of retorts), machines, apparatus, tools, materials, and labour .. £			4. Rental of meters ..		
Less old material sold .. £			By RESIDUAL PRODUCTS.		
To DISTRIBUTION OF GAS.			5. Coke, less labour and cartage		
6. Salaries of surveyor, chief inspector, inspectors, assistant inspectors, and clerks in light office ..			6. Breeze „ „ „		
7. Repair, maintenance, and renewal of mains, and of service pipes, including materials, laying and paving, and labour..			7. Tar „ „ „		
8. Repairing, renewing, and refixing meters ..			8. Ammoniacal liquor „		
To PUBLIC LAMPS.					
9. Lighting and repairing ..					
To RENTS, RATES, AND TAXES.					
10. Rents..					
11. Rates and Taxes ..					
To MANAGEMENT.					
12. Directors' allowances ..					
13. Salaries of secretary, accountant, and clerks, office keepers, and messengers..					
14. Collectors' commission or salaries ..					
15. Stationery and printing ..					
16. General establishment charges and incidentals ..			9. By rents		
17. Auditor ..			10. By transfer fees ..		
To LAW AND PARLIAMENTARY CHARGES.			By other item (if any)		
18. Law ..					
19. Parliamentary (oppositions) ..					
20. To depreciation fund for works on leasehold lands (if any) ..					
21. To bad debts..					
To other items (if any) ..					
Total expenditure ..			Total receipts .. £		
Balance carried to Profit and Loss Account, E. ..					

E.—Profit and Loss Account (net revenue),

For the year ended 31st December 18 .

Dr. *Cr.*

	£	s.	d.		£	s.	d.
1. To amount carried to Reserve Fund Account, F. (if any), from profits of 18				1. By balance of net profit brought from last account (31st December 18).. ..			
2. „ Interest on temporary loans, and moneys received in anticipation of calls				2. „ Amount drawn from reserved fund (if any) .. .. Less dividend paid for the half-year ended 31st December 18			
3. „ Ditto on mortgages and bonds accrued to 31st December 18				3. Balance brought from Revenue Account, D, being profit for year to December 18			
4. „ Ditto on debenture stock to ditto				4. Interest on moneys deposited..			
5. „ Half-year's dividend on 1st preferential to 30th June 18							
6. „ Ditto, 2nd preferential to ditto							
7. „ Ditto on ordinary shares at per cent.							
„ Balance of net profit to be carried to next account subject to half-year's dividends to 31st December 18							
£				£			

F.—Reserved Fund Account,

For the year ended 31st December 18 .

	£	s.	d.		£	s.	d.
1. Amount (if any) carried to Profit and Loss Account (E.) to make up deficiencies of dividends to 31st December 18				1. By balance brought from last account			
2. Amount paid for extraordinary claim or demand (if any)				2. By balance brought from Profit and Loss Account (E.)			
3. Amount of balance to be carried to next account ..				3. By interest on amount invested			
£				£			

Like Accounts must be given for depreciation fund for works on leaseholds, if any.

G.—STATEMENT OF COALS,

During the year ended 31st December 18 .

Description of Coal.	In Store, 31st December 18 .	Received during Year.	Carbonized or used during Year.	In Store, 31st December 18 .
	Tons.	Tons.	Tons.	Tons.
Common				
Cannel				

H.—STATEMENT OF RESIDUAL PRODUCTS,

For the year ended 31st December 18 .

Description of Residual.	In Store, 31st December 18 . Estimated.	Made during Year. Estimated.	Used in Manufacture during Year. Estimated.	Sold during Year.	In Store, 31st December 18 . Estimated.
Coke—common, chaldrons of 36 bushels					
cannel „ „					
Breeze „ „					
Tar, gallons					
Ammoniacal liquor, butts of 108 gallons					

I.—GENERAL BALANCE SHEET,

On 31st December 18 .

Dr. *Cr.*

	£ s. d.		£ s. d.
1. To CAPITAL ACCOUNT— Balance at credit thereof (Account C.)		1. By cash at bankers	
2. „ PROFIT AND LOSS ACCOUNT— Balance at credit thereof (Account E.)		2. „ „ on deposit or at interest	
3. „ RESERVED FUND— Balance at credit thereof (Account F.)		3. „ coals for stock on hand, 31st December 18	
4. „ DEPRECIATION FUND (for works on leasehold lands)— Balance at credit thereof (Account .)		4. „ coke and breeze „ „	
5. „ Unpaid dividends		5. „ tar and other products „ „	
6. „ Interest accrued and unpaid on mortgages, bonds, and debenture stock, and other loans, to 31st December 18		6. „ sundry stores „ „	
7. „ Sundry tradesmen and others, for amount due for coals, stores, &c. to 31st December 18		7. „ Gas and meter rental; balance of this account due to the company on 31st December 18 , less deposits and prepayments	
8. „ WAGES AND CONTINGENCIES— Amount due to 31st December 18		8. „ coke and other residual „ „	
„ Other items (if any)		9. „ sundry accounts .. „ „	
		„ Special items (if any), including investments.. ..	
		£	

34 & 35 Vict., Cap. 105.

PETROLEUM ACT, 1871.

34 & 35 Vict., Cap. 105. An Act for the safe keeping of Petroleum and other substances of a like nature. [21st August 1871.]

[Preamble and introductory words repealed by Statute Law Revision (No. 2) Act, 1893.]

Short title of Act.

1. This Act may be cited as "The Petroleum Act, 1871."

Interpretation of certain terms in the Act:

"Borough:"

2. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after assigned to them; (that is to say,)

The term "borough" means—

In England any place for the time being subject to the provisions of the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, "to provide for the regulation of municipal corporations in England and Wales," (*a*) and the Acts amending the same;

In Scotland any royal burgh and any burgh or town returning or contributing to return a member or members to serve in Parliament;

In Ireland any place for the time being subject to the provisions of the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, "for the regulation of municipal corporations in Ireland, and the Acts amending the same:"

"Person:"

The term "person" includes a body corporate:

[Meaning of "Secretary of State" (omitted) repealed by Statute Law Revision Act, 1894. See now Interpretation Act, 1889, s. 12, (3.), p. 369.]

[Meanings of "Lord Lieutenant" and "Summary Jurisdiction Acts" (omitted) repealed by Statute Law Revision (No. 2) Act, 1893.]

* * *

Definition of "petroleum" and application of Act.

3. For the purposes of this Act the term "petroleum" includes any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bitumin-

(*a*) Repealed by Municipal Corporations Act, 1882, s. 5. Reference now to boroughs subject to that Act. See s. 242, (1.) thereof.

ous substance, and any products of petroleum, or any of the above-mentioned oils; * * * 34 & 35 Vict., Cap. 105.

[Remainder of Section 3 (meaning of term "petroleum to which this Act applies") repealed by Petroleum Act, 1879, s. 6, p. 331. For amended provision, see same Act, s. 2, p. 331.]

* * *

Label on vessels containing petroleum.

6. Where any petroleum to which this Act applies—

(*a.*) Is kept at any place except during the seven days next after it has been imported; or

(*b.*) If sent or conveyed by land or water between any two places in the United Kingdom; or

(*c.*) Is sold or exposed for sale;

the vessel containing such petroleum shall have attached thereto a label in conspicuous characters, stating the description of the petroleum, with the addition of the words "highly inflammable," and with the addition—

(*a.*) In the case of a vessel kept, of the name and address of the consignee or owner:

(*b.*) In the case of a vessel sent or conveyed, of the name and address of the sender:

(*c.*) In the case of a vessel sold or exposed for sale, of the name and address of the vendor.

All petroleum to which this Act applies which is kept, sent, conveyed, sold, or exposed for sale, in contravention of this section, shall, together with the vessel containing the same, be forfeited, and in addition thereto the person keeping, sending, selling, or exposing for sale the same shall for each offence be liable to a penalty not exceeding five pounds.

Regulations as to storage of petroleum.

7. Save as herein-after mentioned, after the passing of this Act petroleum to which this Act applies shall not be kept, except in pursuance of a license given by such local authority as is in this Act mentioned.

All petroleum kept in contravention of this section shall, together with the vessel containing the same, be forfeited, and in addition thereto the occupier of the place in which such petroleum is so kept shall be liable to a penalty not exceeding twenty pounds a day for each day during which such petroleum is so kept.

This section shall not apply to any petroleum kept either for private use or for sale, provided the following conditions are complied with:

(1.) That it is kept in separate glass, earthenware, or metal vessels, each of which contains not more than a pint, and is securely stopped:

(2.) That the aggregate amount kept, supposing the whole contents of the vessels to be in bulk, does not exceed three gallons.

34 & 35 Vict., Cap. 105

Definition of local authority.

8. The following bodies shall respectively be the local authority to grant licenses under this Act in the districts herein-after mentioned; (that is to say,)

(1.) In the City of London, except as hereafter in this section mentioned, the court of the Lord Mayor and aldermen of the said city:

(2.) In the metropolis, (that is, in places for the time being within the jurisdiction of the Metropolitan Board of Works (*a*) under the Metropolis Management Act, 1855,) except the city of London, and except as hereafter in this section mentioned, the Metropolitan Board of Works: (*a*)

(3.) In any borough in England or Ireland, except as hereafter in this section mentioned, the mayor, aldermen, and burgesses acting by the council:

(4.) In any place in England or Ireland, except as hereafter in this section mentioned, within the jurisdiction of any trustees or improvement commissioners appointed under the provisions of any local or general Act of Parliament, and not being a borough or comprising any part of a borough, the trustees or commissioners:

(5.) In any place in England (except as hereafter in this section mentioned) within the jurisdiction of a local board constituted under the Local Government Act, 1858, (*b*) and not being any of the districts before mentioned or comprising any part of any such district, the local board:

(6.) In any borough in Scotland, except as hereafter in this section mentioned, the town council:

(7.) In any place in Scotland, except as hereafter in this section mentioned, within the jurisdiction of police commissioners or trustees exercising the functions of police commissioners under any general or local Act, and not being a borough or comprising any part of a borough, the police commissioners or trustees:

(8.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority:

(9.) In any place in which there is no local authority as before in this section defined, in England or

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362

(*b*) Repealed by Public Health Act, 1875, s. 343. Reference now to that Act. See s. 313 thereof, p. 274.

Ireland, the justices in petty sessions assembled, and in Scotland any two or more justices of the peace for the county sitting as judges in the justice of peace court. 34 & 35 Vict., Cap. 105.

Mode of granting licenses.

9. Licenses in pursuance of this Act shall be valid if signed by two or more of the persons constituting the local authority, or executed in any other way in which other licenses, if any, granted by such authority are executed. Licenses may be granted for a limited time and may be subject to renewal or not in such manner as the local authority think necessary.

There may be annexed to any such license such conditions as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which petroleum to which this Act applies is to be stored, the facilities for the testing of such petroleum from time to time, the mode of carrying such petroleum within the district of the licensing authority, and generally as to the safe keeping of such petroleum as may seem expedient to the local authority.

Any licensee violating any of the conditions of his license shall be deemed to be an unlicensed person. There may be charged in respect of each license granted in pursuance of this Act such sum, not exceeding five shillings, as the local authority may think fit to charge.

In case of refusal of license the applicant may memorialize Secretary of State or Lord Lieutenant.

10. If on any application for a license under this Act the local authority refuse the license, or grant the same only on conditions with which the applicant is dissatisfied, the local authority shall, if required by the applicant, deliver to him in writing under the hand or hands of one or more of the persons constituting the local authority, a certificate of the grounds on which they refused the license or annexed conditions to the grant thereof.

The applicant within ten days from the time of the delivery of the certificate may transmit the same to a Secretary of State if the application is for a license in England or Scotland, and to the Lord Lieutenant if the application is for a license in Ireland, together with a memorial, praying that notwithstanding such refusal the license may be granted, or that the conditions may not be imposed, or may be altered or modified in such manner and to such extent as may be set forth in such memorial.

It shall be lawful for the Secretary of State, or the Lord Lieutenant, if he think fit, on consideration of such memorial and certificate, and, if he think it necessary or desirable, after due inquiry and a report by such person as he may appoint for that purpose, to grant the license

34 & 35 Vict., Cap. 105.

prayed for, either absolutely or with such conditions as he thinks fit, or to alter or modify the conditions imposed by the local authority; and the license so granted, or altered and modified, as the case may be, when certified under the hand of a Secretary of State, or the Lord Lieutenant shall be to all intents as valid as if granted by the local authority.

* * *

Search for petroleum. See 23 & 24 Vict. c. 139. s. 25.

13. Where any court of summary jurisdiction is satisfied by information on oath that there is reasonable ground to believe that any petroleum to which this Act applies is being kept, sent, conveyed, or exposed for sale within the jurisdiction of such court in contravention of this Act, at any place, whether a building or not, or in any ship or vehicle, such court shall grant a warrant by virtue whereof it shall be lawful for any person named in such warrant to enter the place, ship, or vehicle named in such warrant, and every part thereof, and examine the same and search for petroleum therein, and take samples of any petroleum found therein, and if any petroleum to which this Act applies be found therein, which is kept, sent, conveyed, or exposed for sale, in contravention of this Act, to seize and remove such petroleum, and the vessel containing the same, and to detain such petroleum and vessel until some court of summary jurisdiction has determined whether the same are or are not forfeited, the proceedings for which forfeiture shall be commenced forthwith after the seizure.

Any person seizing any petroleum to which this Act applies in pursuance of this section shall not be liable to any suit for detaining the same, or for any loss or damage incurred in respect of such petroleum, otherwise than by any wilful act or neglect while the same is so detained.

If any petroleum to which this Act applies is seized in pursuance of this section in any ship or vehicle, the person seizing the same may use for the purposes of the removal thereof, during twenty-four hours after the seizure, the said ship or vehicle, with the tackle, beasts, and accoutrements belonging thereto, and if he do so shall pay to the owner thereof a reasonable recompense for the use thereof, and the amount of such recompense shall, in case of dispute, be settled by the court of summary jurisdiction before whom proceedings for the forfeiture are taken, and may be recovered in like manner as penalties under this Act may be recovered.

Any person who, by himself or by any one in his employ or acting by his direction or with his consent, refuses or fails to admit into any place occupied by or

under the control of such person, any person demanding to enter in pursuance of this section, or in any way obstructs or prevents any person in or from making any such search, examination, or seizure, or taking any such samples as authorised by this section, shall be liable to pay a penalty not exceeding twenty pounds, and to forfeit all petroleum to which this Act applies which is found in his possession or under his control. 34 & 35 Vict., Cap. 105.

14. Her Majesty may from time to time make, revoke, and vary Orders in Council directing this Act or any part thereof to apply to any substance, and this Act, or the part thereof specified in the Order shall, during the continuance of the Order, apply to such substance, and shall be construed and have effect as if throughout it such substance had been included in the definition of petroleum to which this Act applies, subject to the following qualifications: Application of Act to other substances.

(1.) The quantity of any substance to which this Act is directed by Order in Council to apply, which may be kept without a license, shall be such quantity only as is specified in that behalf in such order, or if no such quantity is specified no quantity may be kept without a license:

(2.) The label on the vessel containing such substance shall be such as may be specified in that behalf in the order.

[**15.** Summary proceedings for offences, penalties, &c. (In part repealed as to England by Summary Jurisdiction Act, 1884, s. 4.)]

16. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local or harbour authority by Act of Parliament, law, or custom, and every local authority and harbour authority may exercise such other powers in the same manner as if this Act had not passed; and nothing in this Act contained shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance. Reservation of previous powers with respect to inflammable substances.

* * *

[**18.** Duration of Act. Repealed by Petroleum Act, 1879, s. 6, p. 331.]

34 & 35 Vict., Cap. 113.

METROPOLIS WATER ACT, 1871.

34 & 35 Vict., Cap. 113. An Act to amend "The Metropolis Water Act, 1852;" and to make further provision for the due Supply of Water to the Metropolis and certain places in the neighbourhood thereof. (*a*) [21st August 1871.]

[Preamble and introductory words repealed by Statute Law Revision (No 2) Act, 1893.]

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Metropolis Water Act, 1871."

This and recited Act to be as one.

2. This Act and the Metropolis Water Act, 1852, as the same is amended by this Act, shall be read and construed together as one Act.

Interpretation of terms.

3. In this Act,—

The expression "the metropolis" shall mean the metropolis as defined by the Metropolis Management Act, 1855: (*b*)

The term "Company" shall mean and include any of the companies following; that is to say,—

The Governor and Company of the New River brought from Chadwell and Amwell to London, commonly called "The New River Company;"

The East London Waterworks;

The Southwark and Vauxhall Water Company;

The Company of Proprietors of the West Middlesex Waterworks Company;

The Company of Proprietors of Lambeth Waterworks;

The Governor and Company of Chelsea Waterworks;

The Grand Junction Waterworks Company;

The Company of Proprietors of the Kent Waterworks;

and also any other corporation, company,

(*a*) For extension to whole water area and adaptation of this Act, see Metropolis Water Act, 1897, s. 3, p. 467.

(*b*) See s. 250 thereof, p. 120. For definition under Metropolis Water Act, 1852, see s. 29 thereof, p. 111.

board, commissioners, association, person, persons, or partnership, for the time being supplying water for domestic use within the limits of this Act: 34 & 35 Vict., Cap. 113.

The term "person" shall include a corporation aggregate or sole:

The expression "water limits" in relation to a Company shall mean such parts of the limits within which such Company is authorised to supply water as are within the limits of this Act:

The expression "the special Act" in relation to a Company shall mean and include every and any Act of Parliament relating to such Company:

The expression "metropolitan authority" shall mean, in the places specified in the table in the Schedule (A.) to this Act annexed, the bodies or persons named in the same table:

The term "district" shall mean the area selected for the purpose of constant supply, such area being within the jurisdiction of a metropolitan authority, and also within the water limits of a Company, and being coterminous with some one or more services of such Company:

The term "premises" shall mean and include any dwelling-house and any part of a dwelling-house, and any stable, yard, or other office used together or in connexion with any dwelling-house or any part of a dwelling-house:

The term "prescribed" shall mean prescribed by any regulations made under the authority of this Act:

* * *

[Definition of Court of Summary Jurisdiction, omitted, repealed by Statute Law Revision (No. 2) Act, 1893. See now Interpretation Act, 1889, s. 13. (11.), p. 371.]

The term "fittings" includes communication pipes, and also all pipes, cocks, cisterns, and other apparatus used or intended for supply of water by a Company to a consumer, and for that purpose placed in or about the premises of the consumer:

The term "owner" means the person who, for the time being, receives the rackrent of the premises with reference to which that term is used, whether on his own account or under or by virtue of any mortgage or charge, or as agent or trustee for any person, or who would so receive the same if the premises were let at a rackrent, and includes every successive owner from time to time of the pre-

34 & 35 Vict., Cap. 113.

mises, being such for any part of the time during which the enactment wherein that term is used operates in relation to the premises:

Premises shall be deemed to be on the same service, or on a service, when water is supplied to them by a Company from the same service pipe.

Limits of Act. (*a*)

4. The limits within which the provisions of this Act shall be in force and have effect (in this Act referred to as "the limits of this Act") shall include the metropolis and the several places set out in the schedule to the Metropolis Water Act, 1852, which do not form part of the metropolis. (*a*)

[**5.** Repeal of s. 15 (except as regards proviso as to Kent and East London Waterworks Companies), ss. 19-22, inclusive, and s. 27, of Metropolis Water Act, 1852, so far as regards their operation within the limits of this Act. Repealed by Statute Law Revision Act, 1883, s. 1. As to non-revival, however, of enactments repealed thereby, see Interpretation Act, 1889, s. 11. (1.), p. 369.]

Supply of water on Sundays.

6. * * * Every Company shall on Sundays as on other days supply sufficient pure and wholesome water for the domestic use of the inhabitants within their water limits.

[Words omitted from s. 6 repealed by Statute Law Revision (No. 2) Act, 1893.]

Constant Supply.

Companies to provide constant supply of water.

7. Subject to the provisions of this Act, every Company may, and * * * every Company shall, when required so to do, in the manner directed by this Act, provide and keep throughout their water limits, or throughout such parts of such limits as they may be required in manner aforesaid, a constant supply of pure and wholesome water sufficient for the domestic purposes of the inhabitants within such water limits constantly laid on at such pressure as will make such water reach the top story of the highest houses within such water limits (but not exceeding the level prescribed by the special Act) of such Company (which supply is in this Act referred to as a "constant supply"); and every such Company shall, subject to the provisions of the special Act as the same are amended by this Act, give and continue to give to such inhabitants a constant supply for domestic purposes in manner prescribed.

[Words omitted from s. 7 repealed by Statute Law Revision (No. 2) Act, 1893.]

Application for constant supply.

8. * * * The metropolitan authority shall, whenever they are of opinion that there should be in any district a constant supply, make application to the Company within

(*a*) For extension, as respects the Metropolitan Water Companies, of the operation of this Act, to the whole area within which such Companies are for the time being authorised to supply water, see Metropolis Water Act, 1897, s. 3, p. 467.

the water limits in which such district is situate, requiring a constant supply in such district, and any Company may without any such application propose to the metropolitan authority to give a constant supply in any district. 34 & 35 Vict., Cap. 113.

[Words omitted from s. 8 repealed by Statute Law Revision (No. 2) Act, 1893.]

9. When application has been made to any Company requiring such Company to provide a constant supply, or when any Company has given notice to a metropolitan authority of a proposal to give a constant supply in any district, and the Company so required, or the metropolitan authority upon whom notice of such proposal has been served, object to such requisition or proposal, it shall be lawful for such Company or metropolitan authority, within one month after the making of such application or service of such notice, to present a memorial to the Board of Trade (*a*), setting forth their objections to such requisition or proposal, and the party presenting such memorial, or such Company, shall give notice to the other party of the presentation of such memorial, and shall transmit to such party a copy of the same. The Board of Trade (*a*) shall, as soon as conveniently may be after the receipt of such memorial, take the same into their consideration, and may, if they think fit, institute any inquiry in relation thereto, and may hear such Company and authority desiring to be heard, and may make such order in reference thereto, and as to the costs thereof and incident to the same, as to them shall seem just. Appeal to Board of Trade. (*a*)

10. No Company shall be compelled to give a constant supply to any premises in any district until the regulations provided for by this Act (*b*) are made and are in operation within such district, or if it can be shown by such Company that at any time after the expiration of two months from the time of the service of any requisition for constant supply more than one fifth of the premises in such district are not provided with the prescribed fittings, without prejudice nevertheless to any renewed requisition at a future period. Restriction as to compulsory supply by Companies.

In any district in which any default in respect of the prescribed fittings shall be found, the metropolitan authority may by notice in writing require the owner or occupier of any such premises, within a time to be specified in such notice, to provide the prescribed fittings, or to

(*a*) Now Local Government Board. See re-enactment, by Public Health Act, 1875, s. 343, p. 275, of s. 35 of Public Health Act, 1872 (35-36 V., c. 79), and extension of such re-enactment to London by Public Health (London) Act, 1891, s. 142 (5.), p. 392.

(*b*) See ss. 17-25, pp. 242-244.

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cause the fittings in such premises to be repaired so as to prevent any waste of water, and if any person fail to comply with the terms of such notice the metropolitan authority may provide for such premises the prescribed fittings, or repair the fittings within the same, as the case may be.

The expenses incurred by the metropolitan authority in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied, or on whose credit the water is supplied, or by the owner of the premises.

All such expenses may be recovered, with costs, from the owner, and to the extent of any rent due by the occupier of the premises, from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having jurisdiction locally in the matter, as if the same were an ordinary simple contract debt; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the full amount of such expenses and costs: Provided further that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

Power to Board of Trade (*a*) to require constant supply, in certain cases.

11. It shall be lawful for the Board of Trade (*a*), at any time * * * to require a constant supply to be provided in any district by the Company within the water limits of which such district is situate, upon complaint made, and in case it appears to such Board, after due inquiry,—

That the metropolitan authority refuses to make or unreasonably delays making application for such constant supply, or

That, by reason of the insufficiency of the existing supply of water in such district, or the unwholesomeness of such water in consequence of its being improperly stored, the health of the inhabitants of such district is or is likely to be prejudicially affected.

[Words omitted from s. 11 repealed by Statute Law Revision (No. 2) Act, 1893.]

Notice requiring or

12. Where a constant supply is required in any district, notice to that effect shall be served, on behalf of

(*a*) Now Local Government Board. See note (*a*), p. 239.

the party requiring the same, upon the Company required to provide such supply; and where a constant supply is proposed to be given in any district by any Company, notice to that effect shall be served on behalf of such Company upon the metropolitan authority. In every such notice shall be stated accurately the district in which such constant supply is required or proposed to be given, and the day (not being an earlier day than four months after the date of the service of such notice) upon and from which such supply is to commence.

proposing constant supply to be served upon Company or metropolitan authority.

13. Where a constant supply is required in any district, and the Company is unable, from want of funds or other cause of any kind, to execute all the necessary works within the time prescribed by this Act, the Board of Trade (*a*), if they think fit, may extend the time for the giving of such supply generally, or may extend the time, and direct such supply to be given at different times in succession, to the several parts of such district, in such manner as may be found most convenient: Provided that application be made by the Company for such extension of time within one month after the notice referred to in the last preceding section has been served upon them.

Extension of time to Companies.

14. With respect to cases where a group or number of dwelling-houses are situate in a court or passage, or otherwise in contiguity with or in close neighbourhood to one another, the following further provisions shall have effect; that is to say,

Provision for supply in courts, passages, &c.

(1.) If at any time it appears to the Board of Trade (*a*), on the report of the nuisance authority, as defined by the Sanitary Act, 1866 (*b*), that a constant supply cannot be well and effectually provided for that group or number of dwelling-houses, except by means of a stand-pipe or other apparatus placed outside the dwelling-houses the Board of Trade (*a*) may from time to time make an order to the effect that such group or number of dwelling-houses may be so supplied, and shall serve the same on the Company within whose water limits the dwelling-houses are situate:

(2.) If the requisite stand-pipe or other apparatus in accordance with the regulations of the Company is provided, then the Company shall give to those dwelling-houses a supply accordingly

(*a*) Now Local Government Board. See note (*a*), p. 239.

(*b*) Repealed (except s. 41 not herein applicable) by Public Health (London) Act, 1891, s. 142, p. 392. For substituted references, see sub-section (7.) of such s. 142, and s. 99. (1.), with notes thereto, p. 390.

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by means of the stand-pipe or other apparatus so provided, and on giving such supply shall be entitled to receive and recover water rates or rents from the owners or occupiers of such dwelling-houses as if the supply had been given in the premises. The expense of providing such stand-pipe or other apparatus shall be borne by the owner of the dwelling-houses, or if there is more than one owner then by the respective owners in such proportions as the Board of Trade (*a*) shall direct:

(3.) The Board of Trade (*a*) may at any time abrogate, wholly or in part, the order, or may originally grant it only for a limited period.

Provision for case of frost, &c.

15. Notwithstanding anything in this Act, a Company shall not be subject to any liability for not giving a constant supply if the want of such supply arises from frost, unusual drought, or other unavoidable cause or accident.

Penalties for non-compliance with preceding provisions.

16. Any Company which violates, refuses, or neglects to comply with any of the preceding provisions of this Act shall be liable to a penalty not exceeding two hundred pounds and to a further penalty not exceeding one hundred pounds for every month during which such violation or refusal or neglect to comply with the said provisions continues after they shall have received notice in writing from the Board of Trade (*a*) to discontinue such violation, refusal, or neglect as aforesaid.

Regulations (*b*).

Company may make regulations (*b*).

17. Every Company shall, within six months after the passing of this Act, make regulations (*b*) for the purpose for which regulations may be made under the authority of section 26 of the Metropolis Water Act, 1852, and the provisions of that section shall apply also to the preventing of undue consumption or contamination of water.

Amendment of regulations.

18. Any Company, if it thinks fit, or if requested so to do by the Board of Trade (*a*), may repeal or alter any of the regulations made for the purposes aforesaid, or make new regulations instead of any of the same.

In case of default by Companies, Board of Trade (*a*) may

19. In case any Company does not make regulations within the time specified in this Act, or in case any Company, on being requested in writing by the metropolitan authority (*c*), or by any ten consumers of the water supplied by that Company, to repeal or alter any of the regula-

(*a*) Now Local Government Board. See note (*a*), p. 239.
(*b*) For Regulations, see Appendix D., pp. 590-594.
(*c*) See schedule A, with notes thereto, p. 253.

tions for the time being in force, or to make new regulations instead of any of the same, refuses so to do, the Board of Trade (*a*) may, if they think fit, appoint a competent and impartial person of engineering knowledge and experience to report to them as to such regulations as may be necessary for the execution of this Act, or as to the expediency of altering or repealing such regulations, or of making new regulations, in conformity with such request as aforesaid, and on the report of such person the Board of Trade (*a*) may make such regulations, repeal, or alterations as they think fit.

appoint person to report as to regulations, and may make same.

20. By any regulations made under the authority of the Metropolis Water Act, 1852, or of this Act, penalties may be imposed for offences against the same not exceeding in respect of any offence the sum of five pounds, so that every such regulation be so framed as to allow part only of the maximum penalty being inflicted, and any such penalty shall be recoverable as penalties under this Act are recoverable.

Penalties for offences against regulations.

21. Within four days after the making of any regulation, or of any repeal of or alteration in any regulation, notice of the same shall be served upon the metropolitan authority (*b*) by the Company or person making the same.

Notice of regulations to be delivered to metropolitan authority.

22. No regulation, and no repeal or alteration of any regulation, made under the authority of the Metropolis Water Act, 1852, or of this Act, by a Company, shall be of any force or effect unless and until the same be submitted to and confirmed by the Board of Trade (*a*), who may institute such inquiry in relation thereto as they shall think fit, and who at such inquiry shall hear the metropolitan authority (*b*), and the Company, if desiring to be heard, and the said Board (*a*) shall, if they think fit, or if requested, nominate and have present at such inquiry to advise and assist them a competent and impartial waterworks engineer. The Board of Trade (*a*) may, after such inquiry, confirm or disallow any such regulation, repeal, or alteration, in whole or in part, or may confirm the same with such modification or alteration as they may think proper; and no such regulation, repeal, or alteration shall be made by the Board of Trade (*a*) on any such report as aforesaid, except after a like inquiry and hearing, with the like advice and assistance as aforesaid: Provided that no such regulation, repeal, or alteration shall be confirmed or made (as the case may be) by the Board of Trade (*a*) unless notice in that behalf shall have been given by the Company to which the same relates, or by such person as

Confirmation of regulations.

(*a*) Now Local Government Board. See note (*a*), p. 239.
(*b*) See schedule A, with notes thereto, p. 253.

34 & 35 Vict., Cap. 113.

the Board of Trade (*a*) direct, in the "London Gazette" and in two daily morning newspapers circulated within the limits of this Act, one month at least before the inquiry; and one month at least before any such inquiry is held a copy of the regulation, repeal, or alteration in question shall be sent by such Company or person to the office of the metropolitan authority, and the same shall for one month be kept open during office hours at the respective offices of the metropolitan authority (*b*) and of the said Company to the inspection of all persons, without fee or reward, and a copy of the same or of any part thereof shall be furnished to every person who shall apply for the same, on payment of sixpence for every one hundred words contained in such copy.

Publication of regulations.

23. A printed copy of all regulations in force for the time being shall be kept at the office of the metropolitan authority (*b*) and of every Company within the limits of this Act, and all persons may at all reasonable times inspect such copy without payment, and each Company shall cause to be delivered a printed copy, authenticated by their seal, of all regulations for the time being in force to every person applying for the same, on payment of any sum not exceeding one shilling and sixpence for every such copy, and a printed copy of the regulations for the time being in force relative to any particular district only to every person applying for the same, on payment of any sum not exceeding threepence for every such copy.

Regulations to be binding upon all parties.

24. All regulations, and every repeal of or alteration in any regulation made, shall, after publication in manner by the last preceding section of this Act directed, be binding upon and be observed by all parties, and shall be sufficient warrant for all persons acting under the same, and a Company shall not be bound under any agreement to supply or continue to supply water to any premises unless such regulations as are for the time being in force are duly observed in respect of those premises.

Evidence of regulations.

25. A printed copy of regulations relating to any Company, dated and purporting to be made as aforesaid, and to be authenticated by the seal of such Company, shall be conclusive evidence of the existence and of the due making, confirmation, and publication of such regulations in all prosecutions or proceedings under the same, without adducing proof of such seals, or of the fact of such confirmation or publication of such regulations or of any of the requirements of this Act relative thereto having been complied with.

(*a*) Now Local Government Board. See note (*a*), p. 239.
(*b*) See schedule A, with notes thereto, p. 253.

Supply of prescribed fittings.

Notice relating to constant supply to be published in London Gazette, &c.

26. When notice in relation to a constant supply in any district has been served upon or by any Company, the party by whom or on whose behalf such notice shall be served shall, within five days after the service thereof, cause to be published a copy of the same once in the London Gazette, and copies of the same once at least in each of two successive weeks in any two daily newspapers circulated within the limits of this Act.

Company may issue notice upon owners and occupiers to provide prescribed fittings.

27. Where in any district any Company is required or has proposed to provide a constant supply, such Company may, at any time after the expiration of one month after the publication in the London Gazette of a copy of the notice requiring or proposing such constant supply, unless a memorial or application has been presented or made to the Board of Trade (*a*) objecting to such constant supply or seeking an extension of time, and if any such memorial or application has been presented or made, then at such time after the determination of the Board of Trade (*a*) in relation to such memorial or application as such Board (*a*) shall approve and order, cause to be served on the owner or occupier of any premises within such district a notice requiring such owner or occupier to supply such premises with the prescribed fittings.

Owner or occupier to provide prescribed fittings.

28. Every owner or occupier of premises upon whom notice to that effect has been served shall, within two months after the date of the service of such notice, provide the prescribed fittings, and shall from time to time keep the same in proper repair.

In case of default by owner or occupier, Company may provide or repair prescribed fittings.

29. Where in any district any Company is required or has proposed to provide a constant supply, and

Any owner or occupier of premises upon whom notice to provide prescribed fittings has been served by such Company makes default in providing the prescribed fittings, such Company, if they think fit, may provide such fittings; or

Where in any such district the fittings of any person are out of order, and not as prescribed, such Company may by notice in writing require such person, within twenty-four hours after the date of the service of such notice, to cause the same to be repaired, so as to prevent any waste of water; and if any person fail to comply with the terms of such notice such Company (if they think fit) may repair the fittings of such person.

(*a*) Now Local Government Board. See note (*a*), p. 239.

34 & 35 Vict., Cap. 113.

The expenses incurred by such Company in providing such fittings or in making such repairs shall be paid to them by the person liable to pay the rate for the water supplied or on whose credit the water is supplied by means of such fittings, or by the owner of the premises.

All such expenses may be recovered, with costs, from the owner, and to the extent of any rent due by the occupier of the premises from such occupier, by proceedings in a court of summary jurisdiction, or by action in any court having jurisdiction locally in the matter, as if the same were an ordinary simple contract debt; and any sum and costs so recovered from an occupier may be deducted by him from the rent payable by him to the owner, and shall be allowed by the owner and every other person interested in the rent, as if the same had been actually paid as rent; but if in any case an occupier fails to disclose the amount of rent due by him, or the name or address of the owner, he shall be liable to pay the whole amount of such expenses and costs: Provided, that as between any such owner and occupier nothing herein contained shall be taken to affect any contract made between them respecting the payment of the expenses of any such works as aforesaid.

Power to enter premises for inspection and repair of fittings.

30. Where in any district any Company is required or has proposed to provide a constant supply, the officers or agents of such Company, or of the party requiring such supply, or any person appointed for such purpose by the Board of Trade (*a*) may, at all reasonable times, enter any premises within such district, in order to inspect the premises for the purposes of this Act, and examine the same with a view to ascertain whether there are in or about the same the prescribed fittings, or, where authorised under the provisions of this Act, to provide or repair the fittings; and if any person hinder any such officer, agent, or person from entering and making such inspection or examination, or providing or repairing such fittings, every person so offending shall for every such offence be liable to a penalty not exceeding five pounds.

Settlement of disputes as to sufficiency, &c. of fittings.

31. In the event of any dispute as to whether the fittings of any person are as prescribed, such dispute shall be settled by the court of summary jurisdiction, on the application of either party, which court may make such order as to the amount of the costs of the proceedings before such court as seems just, and the decision of such court shall be final and binding on all parties.

(*a*) Now Local Government Board. See note (*a*), p. 239

34 & 35 Vict., Cap. 113.

32. Where in any district any Company is required or has proposed to provide a constant supply,—

Penalties for non-compliance with the provisions of Act.

If any person supplied with water by such Company wilfully or negligently causes or suffers any fittings to be out of repair, or to be so used or contrived as that the water supplied to him by such Company is or is likely to be wasted, misused, unduly consumed, or contaminated, or so as to occasion or allow the return of foul air or other noisome or impure matter into any pipe belonging to or connected with the pipes of such Company, he shall for every such offence be liable to a penalty not exceeding five pounds; or

If any person supplied with water by such Company wrongfully does or causes or permits to be done anything in contravention of any of the provisions of the special Act or this Act, or wrongfully fails to do anything which, under any of those provisions, ought to be done for the prevention of the waste, misuse, undue consumption, or contamination of the water of such Company, they may (without prejudice to any remedy against him in respect thereof) cut off any of the pipes by or through which water is supplied by them to him or for his use, and may cease to supply him with water, so long as the cause of injury remains or is not remedied; and in every case of so cutting off or ceasing to supply, the Company shall within twenty-four hours thereafter give to the nuisance authority, as defined by the Sanitary Act, 1866 (*a*), notice thereof.

Absence of proper water fittings in premises to be a nuisance.

33. The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12-19 (inclusive) of the Nuisances Removal Act for England, 1855 (*b*), and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855 (*b*), unless and until the contrary is shown to the satisfaction of the justices acting under that section.

(*a*) For repeal as to London of enactment here referred to (s. 15 of Sanitary Act, 1866), see Public Health (London) Act, 1891, s. 142. (1.), p. 392. For substituted references, see same section, sub-section (7), and s. 99. (1.), with notes thereto, p. 390. As to notice to sanitary authority of water supply being cut off, see same Act, s. 49, p. 388.

(*b*) Repealed, as to London, by s. 142 of the Public Health (London) Act, 1891, p. 392, but for application under that Act of the provision contained in the above s. 33, see ss. 2. (1.) (*f.*), and 4. (3.) (*d.*) of such Act, and first schedule thereto, pp. 385, 393.

34 & 35 Vict., Cap. 113.

34. Section 32 of the Metropolitan Fire Brigade Act, 1865, shall operate, subject and according to the provisions following; (that is to say,)

Provision respecting fire-plugs.

(1.) In that section and in this provision the term "fire-plug" and the term "plug" shall include hydrant and all other apparatus necessary or proper in connexion with the Company's pipes for supply of water in case of fire:

(2.) Where a Company give a constant supply in any part of their water limits they may, if they think fit, give notice thereof to the Metropolitan Board of Works: (*a*)

(3.) If the Metropolitan Board of Works (*a*) do not within two months after receipt of any such notice specify, as regards that part of the Company's water limits, what plugs for supply of water in case of fire, at what places, of what dimensions, and in what form they require the Company to provide, then, at any time after the expiration of that time, the Company may, if they think fit, provide in and for that part of their water limits such plugs for supply of water in case of fire, at such places, of such dimensions, and in such form as to the Company seem necessary or proper:

(4.) Thereupon, as regards that part of the Company's water limits, the Company shall be deemed to have fully discharged all obligations imposed on them by the said section 32:

(5.) All plugs provided by a Company in pursuance of this provision may, for the purposes of the fire brigade, be used as if they had been provided on the requisition of the Metropolitan Board of Works (*a*) under the said section 32:

(6.) The providing of plugs by a Company under this provision shall be at the expense of the Metropolitan Board of Works (*a*), and the costs, charges, and expenses of the Company in or about the providing of the same shall be paid to the Company by the Metropolitan Board of Works (*a*), on demand, out of their general rate, and in default may be sued for and recovered, with costs, by the Company in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount.

Quality of Water.

Power to Board to

35. The Board of Trade (*b*) may at any time, if and

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

(*b*) Now Local Government Board. See note (*a*), p. 239.

when they think fit, appoint a competent person to inquire into and report on the quality of the water furnished by any Company, notwithstanding that no complaint has been made and signed by twenty inhabitant householders, as prescribed by section 9 of the Metropolis Water Act, 1852; and section 10 and 11 and 13, and the other provisions of that Act, shall apply in every respect as if such person were appointed under section 9 of that Act, and as if any matter reported to the Board of Trade (*a*) as requiring alteration on the part of a Company had been the subject of a complaint by such householders as aforesaid. 34 & 35 Vict., Cap. 113. appoint persons to inquire and report as to quality of water.

36. There shall be a water examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade (*a*), who shall from time to time, in such manner as the Board of Trade (*a*) direct, examine the water supplied by any Company, in order to ascertain whether or not the Company have complied with the requirements of section 4 of the Metropolis Water Act, 1852, and shall from time to time report the results of his several examinations to the Board of Trade (*a*); and the Board of Trade (*a*) shall send a copy of every such report to the Company to which the same relates, and the Company may, if they think fit, on each occasion of such examination, be represented thereat by some officer, but such officer shall not interfere in the examination. Appointment and duties of water examiner.

There shall be paid to such water examiner such remuneration by the Companies and in such proportions as such Board (*a*) appoints.

Accounts.

37. Every Company shall, on or before the thirty-first day of July in each year, fill up and forward to the Board of Trade (*a*), and to the town clerk of the city of London, and to the Metropolitan Board of Works (*b*), and to the vestry clerk of each parish within which water is supplied by each Company respectively not within the city of London, a statement of account, made up to the end of their financial year then last passed, in such form and containing such particulars as may from time to time be prescribed by the Board of Trade. (*a*) Accounts, &c.

Each Company shall keep copies of such statement at their office for one year after the date thereof, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

In case any Company make default in complying with

(*a*) Now Local Government Board. See note (*a*), p. 239.
(*b*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

34 & 35 Vict., Cap. 113.

any of the provisions of this section, they shall be liable to a penalty not exceeding ten pounds for each day during which such default continues.

Auditor of accounts.

38. There shall be an auditor of the accounts of the Companies, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade. (*a*)

There shall be paid to such auditor such remuneration by the Companies and in such proportions as such Board (*a*) appoints.

Ascertainment of capital of Companies.

39. The auditor shall, with all practicable speed after the passing of this Act, investigate the accounts of the Companies, and ascertain and certify the amounts of their capitals, distinguishing share from loan capital, and shall ascertain and certify the capital of each Company, and shall from time to time, as new capital shall be expended, in like manner ascertain and certify the amount of such new capital that has been bonâ fide expended for the purposes of the undertaking. * * *

[Words omitted from s. 39 repealed by Statute Law Revision Act, 1883.]

Periodical audit of accounts.

40. The auditor shall once in every half year audit the accounts of the Companies.

If he finds the accounts correct he shall certify the same, but if in any instance he finds the accounts of any Company incorrect in principle or in detail, he shall require such Company to correct such accounts in such manner as he thinks right, and no future dividend shall in any case be declared by any Company until their accounts are certified by the auditor; provided that the suspension of a dividend under this section shall not operate until after the expiration of nine months from the date of the audit.

Facilities for auditor.

41. Each Company shall, during as well as subsequent to the close of that half year to which the accounts relate, give to the auditor, his clerks and assistants, access to the books and documents of such Company, and shall, when required, furnish to him and them all vouchers and information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty; and any Company making default in complying with any of the provisions of this section shall, for every such default, be liable to a penalty not exceeding ten pounds.

(*a*) Now Local Government Board. See note (*a*), p. 239.

34 & 35 Vict., Cap. 113.

Arbitration between auditor and Company.

42. If any Company think themselves aggrieved by any act or determination of the auditor, the matter in difference shall be referred to the determination of an arbitrator agreed on between such Company and the auditor, or, in default of agreement, appointed, on the application of either party, by the Lord Chief Justice of the Court of Common Pleas; * * * and, subject to this provision, such Company shall observe and abide by the directions and determinations of the auditor.

[Words omitted from s. 42 repealed by Statute Law Revision (No. 2) Act, 1893.]

Arbitration.

Disputes may be settled by arbitration.

43. Where any dispute arises between any persons whatsoever in relation to the execution of this Act, or to any act, matter, or thing incident to or consequent upon the execution of the same, and where the method of determining any such question in dispute is not expressly provided for, such question may, if the parties so desire, be settled by arbitration in manner prescribed by the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration.

Penalties.

Recovery and application of penalties.

44. Every penalty incurred by any Company by reason of non-compliance with any of the provisions of this Act shall go and belong to the metropolitan authority within the jurisdiction of which the same has been incurred, and may be sued for and recovered by such metropolitan authority in any court of competent jurisdiction for the recovery of any ordinary simple contract debt of the like amount, and shall be paid and applied as such metropolitan authority shall from time to time direct.

Every such penalty shall be borne and paid (to the satisfaction of the auditor appointed as in this Act provided) exclusively by and out of the divisible profits of the Company by whom the penalty is incurred, and by way of reduction of dividend.

Summary proceedings for penalties, &c.

45. Except as is by the next preceding section expressly provided, all penalties under this Act may be sued for and recovered in the "Court of Summary Jurisdiction."

Miscellaneous.

Form and service, &c. of instruments.

46. Any instrument (including a notice, order, resolution, declaration, requisition, consent, approval, disproval, or other document) made, given, delivered, or served under this Act, or any regulation thereunder, * * * if the instrument of a Company, shall be sufficiently authenticated by

34 & 35 Vict., Cap. 113.

the name of their secretary being affixed thereto in * * * writing, or by a stamp on behalf of the Company; and it shall be sufficient in all cases where any such instrument is required to be given to or served on the owner or occupier of any premises to address it to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect of which it is given or served, without further name or description; and any such instrument may be addressed to owners or occupiers of any number of contiguous or neighbouring premises collectively, and when so addressed may be served on more owners and occupiers than one (so that separate copies be served on the respective owners and occupiers of the several premises concerned; and any such instrument may be served on any owner, occupier, or other person either personally or by sending the same through the post in a letter addressed to him by name at his last known place of abode or business, or by delivering the same to some inmate at his last known or usual place of abode or business, or in case of an occupier to any inmate of the premises in respect of which it is given or served, or if the premises are unoccupied, and the place of abode of the person to be served is, after diligent inquiry, unknown, it shall be sufficient to affix it, or a copy thereof, on some conspicuous part of such premises.

[Words omitted from s. 46 repealed by Statute Law Revision (No. 2) Act, 1893.]

Act not to apply to certain property and accounts of the New River Company.

47. Nothing in this Act shall be deemed to apply to any of the landed estate, houses, or property of the New River Company not directly used for or connected with their water supply, or to authorise or empower the auditor to investigate or audit any accounts of the New River Company other than those relating to their water supply.

Incoming tenant not to pay arrears of outgoing tenant, unless by express agreement.

48. In case any consumer leave the premises where water was supplied to him without paying to the Company the rate due from him, the Company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears, but the Company shall, notwithstanding any such arrears, supply water to the incoming tenant, on being required by him so to do.

Amendment of sections 17 and 18 of Metropolis Water Act, 1852.

49. Sections 17 and 18 of the Metropolis Water Act, 1852, shall be read as if instead of the words "district mains" and "district main" in the said sections the words "pipes" and "pipe" were substituted respectively; and every Company shall, upon the map, and upon every alteration of the same made in conformity with the pro-

visions of the said section 17, as amended by this section, cause to be marked every screw-cock or apparatus by means of which water is permitted to flow or is prevented from flowing from the main into any pipe within the water limits of such Company. 34 & 35 Vict., Cap. 113.

Saving for ordinary powers.

50. Except as in this Act provided, nothing in this Act shall take away, abridge, or prejudicially affect any right or power which a Company would have had under their special Act or the Metropolis Water Act, 1852, or under any charter or otherwise, if this Act had not been passed.

[**51.** Expenses of Act. Repealed by Statute Law Revision Act, 1883.]

SCHEDULE A.

Places.	Description of Metropolitan Authority.
The City of London and the liberties thereof.	The Mayor, Aldermen, and Commons of the City of London.
The metropolis, except the City of London and the liberties thereof.	The Metropolitan Board of Works. (*a*)
Any place within the limits of this Act not included in the above descriptions, and under the jurisdiction of commissioners, trustees, or other persons intrusted by any Local Act with powers of improving, cleansing, or paving such place.	The Commissioners, trustees, or other persons intrusted by the Local Act with powers of improving, cleansing, or paving.
Any place within the limits of this Act not included in the above descriptions, and within the jurisdiction of local boards constituted in pursuance of the Public Health Act, 1848, and the Local Government Act, 1858, or one of such Acts. (*b*)	The local board.
Any place or parish within the limits of this Act not within the above descriptions, and in which a rate is levied for the maintenance of the poor.	The vestry, select vestry, or other body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise, as or instead of a vestry or select vestry. (*c*)

[Schedules B (referred to in repealed s. 5) and C (referred to in repealed portion of s. 39) repealed by Statute Law Revision Act, 1883.

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362. As to ss. 17-25, also borough councils, with respect to water company supplying any part of the borough. See London Government Act, 1899, s. 5. (2), p. 483.

(*b*) Both repealed by Public Health Act, 1875, s. 343. For substituted reference, see s. 313 of that Act.

(*c*) As to transfer of powers of elective vestries to Metropolitan Borough Councils, see London Government Act, 1899, s. 4, p. 483.

35 & 36 Vict., Cap. 69.

LOCAL GOVERNMENT BOARD (IRELAND) ACT, 1872.

35 & 36 Vict., Cap. 69. An Act for constituting a Local Government Board in Ireland, and vesting therein certain functions of the Lord Lieutenant, the Privy Council, and the Chief Secretary to the Lord Lieutenant, concerning the Public Health and Local Government, together with the powers and duties of the Commissioners for administering the Laws for the Relief of the Poor in Ireland. (*a*) [10th August 1872.]

[Preamble and introductory words repealed by Statute Law Revision (No. 2) Act, 1893.]

Preliminary.

Short title.

1. This Act may be cited as "The Local Government Board (Ireland) Act, 1872."

* * *

Amendment of sect. 124. of 3 & 4 Vict. c. 108.

11. Whereas the provisions of section one hundred and twenty-four of the Act of the third and fourth years of Victoria, chapter one hundred and eight, (*b*) relating to the lighting of the boroughs therein referred to, do not apply to any of such boroughs in which there is a local Act for lighting thereof, by reason whereof much inconvenience arises, for remedy thereof be it enacted that it shall be lawful for the council of any such borough in which there is a local Act for the lighting thereof to make an order that from and after a day named therein the provisions of the said local Act relating to the lighting of such borough shall cease to be in force therein; and from and after such day there shall be in force in lieu thereof within such borough the provisions of the said section one hundred and twenty-four of the said Act of the third and fourth years of Victoria, chapter one hundred and eight, as the same are amended by any Act or Acts.

* * *

(*a*) This Act is made subject to adaptations by Order in Council by Local Government (Ireland) Act, 1898, s. 105.

(*b*) See p. 25.

35 & 36 Vict., Cap. 91.

BOROUGH FUNDS ACT, 1872.

35 & 36 Vict., Cap. 91. An Act to authorise the application of Funds of Municipal Corporations and other governing bodies in certain cases. (*a*)

[10th August 1872.]

[Preamble and introductory words repealed by Statute Law Revision (No. 2) Act, 1893.]

Interpretation of terms,

1. (Irish Act, s. 2.) The term "governing body" in this Act shall mean the council of any municipal borough, the [board of health, local board, commissioners, trustees], or other body acting under any general or local Act of Parliament for the management, improvement, cleansing, paving, lighting, and otherwise governing places or districts, and the term "district" shall mean the borough, place, township, or district within which the governing body may for the time being have jurisdiction: Provided, however, that in the borough of Cambridge, in any matters affecting the constitution, power, or functions of the Board of Cambridge Improvement Commissioners, as defined in the several Acts of Parliament relating thereto, the term "governing body" shall mean such board of improvement commisioners, and not the council of the borough of Cambridge.

[In the Irish Act, in lieu of words within brackets in the third line of the above section, read "urban sanitary authority, town or township commissioners," and, after word "Jurisdiction," in the ninth line, omit the proviso of the English Act and add words "the term 'Local Government Board' shall mean the Local Government Board for Ireland; and the term 'Chief Secretary' shall mean the Chief Secretary for the time being to the Lord Lieutenant of Ireland."]

Cost of promoting or opposing Parliamentary and other proceedings for benefit of

2. (Irish Act, s. 3.) When in the judgment of a governing body in any district it is expedient for such governing body to promote or oppose any local and personal Bill or Bills in Parliament, or to prosecute or defend any legal proceedings necessary for the promotion or protection of the interests

(*a*) Short Title, "The Borough Funds Act, 1872." See Short Titles Act, 1896, s. 1.

Short Title of Irish Act, the Borough Funds (Ireland) Act 1888. See s. 1 thereof, p. 363.

For extension of powers under these Acts to county councils and metropolitan borough councils, see note (*b*), p. 258.

35 & 36 Vict., Cap. 91.

of the inhabitants of the district, it shall be lawful for such governing body to apply the borough fund, borough rate, or other the public funds or rates under the control of such governing body to the payment of the costs and expenses attending the same; and when there are several funds or rates under the control of the governing body, such governing body shall determine out of which fund or funds, rate or rates, such expense shall be payable, and in what proportions: Provided that nothing in this Act contained shall authorise any governing body to promote any Bill in Parliament for the establishment of any gas or water works to compete with any existing gas or water company established under any Act of Parliament: Provided that no powers contained in this clause shall apply in any case where the promotion of or opposition to a Bill by a governing body has been decided by a Committee of either House of Parliament to be unreasonable or vexatious.

inhabitants to be charged on borough and local funds except in certain cases.

[Saving as to existing gas or water company.]

No payment to member of governing body to be so charged.

3. (Irish Act, s. 4.) No payment to any member of a governing body for acting as counsel or agent in promoting or opposing any such Bill shall be charged as aforesaid.

Costs of promoting or opposing Bills to require sanction of special meetings.

4. (Irish Act, s. 5.) No expense in relation to promoting or opposing any Bill or Bills in Parliament shall be charged as aforesaid unless incurred in pursuance of a resolution of an absolute majority of the whole number of the governing body at a meeting of the governing body, after ten clear days notice by public advertisement of such meeting and of the purpose thereof in some local newspaper published or circulating in the district, such notice to be in addition to the ordinary notices required for summoning such meeting, nor unless such resolution shall have been published twice in some newspaper or newspapers circulating in the district, and shall have received, in respect of matters within the jurisdiction of the Local Government Board, the approval of such Board, and in respect of other matters, the approval of [one of Her Majesty's Secretaries of State], and in case of the promotion of a Bill in Parliament no further expense shall be incurred or charged as aforesaid after the deposit of the Bill, unless the propriety of such promotion shall be confirmed by such absolute majority at a further special meeting to be held in pursuance of a similar notice not less than fourteen days after the deposit of the Bill in Parliament: Provided further, that no expense in promoting or opposing any Bill in Parliament shall be charged as aforesaid unless such promotion or opposition shall have had the consent of the owners and ratepayers of that district,

to be expressed by resolution in the manner provided in the Local Government Act (1858) (*a*) for the adoption of that Act. 35 & 36 Vict., Cap. 91.

[In the Irish Act, in lieu of words within brackets in the fifteenth and sixteenth lines of the above section, read "the Chief Secretary," and, in lieu of above proviso, read, "In submitting a resolution to the Local Government Board or the Chief Secretary, the governing body shall supply all such information concerning the matters in question as may appear necessary to the Local Government Board or the Chief Secretary as the case may be."]

Proviso as to approval of Local Government Board, &c. to any such resolution.

5. (Irish Act, s. 6.) The approval of the Local Government Board or [one of Her Majesty's Principal Secretaries of State], as the case may be, shall not be given to any such resolution as aforesaid until the expiration of seven days after the second publication thereof, as provided by this Act, and in the meantime [any ratepayer within the district of the governing body] may give notice in writing to the Local Government Board or [Secretary of State] objecting to such approval.

[In the Irish Act, in lieu of words within brackets in the second and third and eighth and ninth lines of the above section, read "the Chief Secretary," and, in lieu of words within brackets in the sixth and seventh lines, read "any person qualified to vote at the election of the governing body of such district." The following proviso is also added in the Irish Act:—

> Provided always that such approval shall be given within one calendar month after the expiration of the said seven days, unless where the Local Government Board or Chief Secretary, as the case may be, shall deem it expedient, before giving such approval, to direct a local inquiry to be held as herein-after provided, in which case such direction shall be given within the said calendar month; and in the event of a local inquiry being directed the Local Government Board or Chief Secretary, as the case may be, shall by the order directing such inquiry limit the time within which such approval shall be given or withheld.]

[Irish Act, s. 7. Votes of the Electors.]

Costs to be examined.

6. (Irish Act, s. 8.) All costs, charges, and expenses incurred under the provisions of this Act shall, before the same become chargeable, be examined and allowed by [some person to be authorised by one of Her Majesty's Principal Secretaries of State or by the Local Government Board, as the case may be.]

[In the Irish Act, in lieu of words within brackets in the fourth to sixth lines of the above section, read "an auditor of the Local Government Board."]

(*a*) Repealed by Public Health Act, 1875, s. 343. Reference now to that Act. See s. 313 thereof, p. 274.

35 & 36 Vict., Cap. 91.

Power to direct local inquiry.

7. (Irish Act, s. 9.) The Local Government Board, or [one of Her Majesty's Principal Secretaries of State,] shall have power to direct a local inquiry to be held upon any application under this Act, by any person or persons whom they may respectively nominate for the purpose, [and to charge the costs and expenses of such local inquiry upon the governing body or the person by whom such application shall be made.]

[In the Irish Act, in lieu of words within brackets in the second line of the above section, read "Chief Secretary," and, in lieu of words within brackets in the sixth to eighth lines, read "and to require security to be given by the governing body for the costs and expenses of such local inquiry."]

Saving clause.

8. (Irish Act, s. 10.) Nothing in this Act shall extend or be construed to alter or affect any special provision which is or shall be contained in any other Act for the payment of the costs, charges, and expenses intended to be provided for by this Act, or to take away or diminish any rights or powers now possessed or enjoyed by any governing body, or which are or shall be vested in or exerciseable by the inhabitants of any district under any general or special Act.

[**9.** (Irish Act, s. 11.) Repeal of s. 142 of Towns Improvement Clauses Act, 1847, so far as inconsistent with this Act. Repealed as to the English Act by Statute Law Revision Act, 1883, s. 1. As to non-revival, however, of the enactment repealed thereby, see Interpretation Act, 1889, s. 11. (1.), p. 369.]

Act not to extend to Bills if object attainable by Provisional Order.

10. (Irish Act, s. 12.) The provisions of this Act shall not extend to applications for any Bill in Parliament for any object which would, for the time being, be attainable by Provisional Order.

Act not to apply to Ireland or the Metropolis. (*b*)

11. This Act shall not extend or apply to Ireland (*a*) or the city of London or the metropolitan area as defined by the Metropolitan Local Management Act, 1855. (*b*)

(*a*) As to Ireland, see notes, pp. 255-258.

(*b*) For extension of powers of this Act to County Councils and to Metropolitan Borough Councils, see Local Government Act, 1888, s. 15, Local Government (Scotland) Act, 1889, s. 56, Local Government (Ireland) Act, 1898, s. 17, and London Government Act, 1899, s. 6. (6). For last-named, see pp. 483, 484.

36 & 37 Vict., Cap. 89.

GAS AND WATER WORKS FACILITIES ACT, 1870, AMENDMENT ACT, 1873.

36 & 37 Vict., Cap. 89. An Act to extend and amend the provisions of the Gas and Water Works Facilities Act, 1870. (*a*)

[5th August 1873.]

[Introductory words repealed by Statute Law Revision (No. 2) Act, 1893.]

Short title.

1. This Act may be cited for all purposes as "The Gas and Water Works Facilities Act, 1870, Amendment Act, 1873."

[**2-11** repealed by Statute Law Revision Act, 1883.]

Power of Board of Trade to revoke, amend, extend, or vary Provisional Order.

12. Where under the Gas and Water Works Facilities Act, 1870, or this Act, the Board of Trade have made any Provisional Order, they may from time to time revoke, amend, extend, or vary such Provisional Order by a further Provisional Order.

Every application for such further Provisional Order shall be made in like manner and subject to the like conditions as the application for the former Provisional Order.

Every such further Provisional Order shall be made and confirmed in like manner in every respect as the former Provisional Order.

Authorising and regulating inquiries by the Board of Trade for purposes of Gas and Water Works Facilities Act, 1870, and this Act.

13. Where, in relation to any application for a Provisional Order under the Gas and Water Works Facilities Act, 1870, or under this Act, it is in the opinion of the Board of Trade expedient that an inquiry should be held, they may order and direct such inquiry to be held at such time and place as they may think proper, subject to the provisions following:

1. The inquiry shall be held in public before an officer or officers to be appointed in that behalf by the Board of Trade, herein-after called the Commissioner or Commissioners:

(*a*) This Act does not apply to the Metropolis. See s. 15.

36 & 37 Vict., Cap. 89.

2. Ten days' notice at the least shall be given by the Commissioner or Commissioners of the time and place at which the inquiry is to be commenced:

3. The inquiry shall be commenced at the time and place so appointed, and the Commissioner or Commissioners may adjourn the inquiry from time to time as may be necessary to such time and place as he or they may think fit:

4. The Commissioner or Commissioners by summons shall, on the application of any party interested in the inquiry, require the attendance before him or them, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him or them, and every person summoned shall attend the Commissioner or Commissioners, and answer all questions touching the matter to be inquired into, and any person who wilfully disobeys any such summons or refuses to answer any question put to him by the Commissioner or one of the Commissioners for the purposes of the said inquiry shall, on summary conviction before two justices, or in Scotland before any sheriff or sheriff substitute, be liable to a penalty not exceeding five pounds: Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him, and no person shall be required in any case in obedience to any such summons to travel more than ten miles from his place of abode:

5. The Commissioner or Commissioners shall make a report to the Board of Trade in writing, and shall deliver copies of the report upon request to all or any of the parties to the inquiry.

Rules for carrying Acts into effect.

14. The Board of Trade may from time to time make, and when made, may rescind, annul, or add to, rules with respect to the following matters:

The proceedings to be had before the Board under the Gas and Water Works Facilities Act, 1870, or this Act; and

As to any other matter or thing in respect of which it may be expedient to make rules for the purpose of carrying the said Act or this Act into execution.

Any rules made in pursuance of this section shall be deemed to be within the powers conferred by the said Act or this Act, and shall be of the same force as if enacted

in the said Act or this Act, and shall be judicially noticed. 36 & 37 Vict., Cap. 89.

Any rules made in pursuance of this section shall be laid before Parliament within three weeks after they are made, if Parliament be then sitting, and if Parliament be not then sitting, within three weeks after the beginning of the then next session of Parliament.

15. This Act shall not apply to any place within the Metropolis as the same is defined in "The Metropolis Management Act, 1855." Act not to extend to Metropolis.

[Schedule repealed by Statute Law Revision Act, 1883.]

38 & 39 Vict., Cap. 55.

PUBLIC HEALTH ACT, 1875.

38 & 39 Vict., Cap. 55. An Act for consolidating and amending the Acts relating to Public Health in England. (*a*) [11th August 1875.]

[Introductory words repealed by Statute Law Revision (No. 2) Act, 1893.]

1. This Act may be cited as The Public Health Act, 1875.

Short title.

[Short Title of Irish Act, The Public Health (Ireland) Act, 1878. See p. 316.]

Extent of Act.

2. This Act shall not extend to Scotland or Ireland, nor (save as by this Act is expressly provided) to the metropolis.

Definitions. (*a*)

* * *

4. (Irish Act, s. 2.) In this Act, if not inconsistent with the context, the following words and expressions have the meanings herein-after respectively assigned to them; that is to say,

* * *

"Person" includes any body of persons, whether corporate or unincorporate:

"Local authority" means urban sanitary authority and rural sanitary authority:

[In the Irish Act a similar definition is given of "Sanitary Authority."]

"Surveyor" includes any person appointed by a rural authority to perform any of the duties of surveyor under this Act:

* * *

"Owner" means the person for the time being receiving the rackrent of the lands or premises in connexion with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent:

* * *

(*a*) The definitions in the Irish Act are the same as those here given, except where stated to be otherwise.

"Street" includes any highway * * * and any public bridge (not being a county bridge), and any road lane footway square court alley or passage whether a thoroughfare or not: 38 & 39 Vict., Cap. 55.

[Words omitted after word "highway" repealed as to English Act by Statute Law Revision Act, 1898. Such words omitted from Irish Act.]

* * *

"Water company" means any person or body of persons corporate or unincorporate supplying or who may hereafter supply water for his or their own profit:

"Waterworks" includes streams springs wells pumps reservoirs cisterns tanks aqueducts cuts sluices mains pipes culverts engines and all machinery lands buildings and things for supplying or used for supplying water, also the stock in trade of any water company:

* * *

[**17.** (Irish Act, s. 19.) Sewage to be purified before being discharged into streams.]

* * *

WATER SUPPLY.

Powers of Local Authority (a) in relation to Supply of Water.

51. (Irish Act, s. 61.) Any urban authority may provide their district or any part thereof, and any rural authority may provide their district or any contributory place therein, or any part of any such contributory place, with a supply of water proper and sufficient for public and private purposes, and for those purposes or any of them may— General powers for supplying district with water.

(1.) Construct and maintain waterworks, dig wells, and do any other necessary acts; and

(2.) Take on lease or hire any waterworks, and (with the sanction of the Local Government Board) purchase any waterworks, or any water or right to take or convey water, either within or without their district, and any rights powers and privileges of any water company; and

(3.) Contract with any person for a supply of water.

52. (Irish Act, s. 62.) Before commencing to construct waterworks within the limits of supply of any water company empowered by Act of Parliament or any order confirmed by Parliament to supply water, the local authority (*a*) shall give written notice to every water company within whose limits of supply the local authority (*a*) are desirous of supplying water, stating the purposes for which and (as far as may be practicable) the extent to which water is required by the local authority. (*a*) Restriction on construction of waterworks by local authority. (*a*)

(*a*) In the Irish Act, read "Sanitary Authority."

38 & 39 Vict., Cap. 55.

It shall not be lawful for the local authority (*a*) to construct any waterworks within such limits if and so long as any such company are able and willing to supply water proper and sufficient for all reasonable purposes for which it is required by the local authority (*a*); and any difference as to whether the water which any such company are able and willing to lay on is proper and sufficient for the purposes for which it is required, or whether the purposes for which it is required are reasonable, or (if and so far as the charges of the company are not regulated by Parliament) as to the terms of supply, shall be settled by arbitration in manner provided by this Act.

As to construction of reservoirs.

53. (Irish Act, s. 63.) At least two months before commencing to construct under the provisions of this Act any reservoir (other than a service reservoir or tank which will hold not more than one hundred thousand gallons) the local authority (*a*) shall give notice of the intended work by advertisement in one or more of the local newspapers circulated within the district where the reservoir is to be constructed.

If any person who would be affected by the intended work objects to such work, and serves notice in writing of such objection on the local authority (*a*) at any time within the said two months, the intended work shall not be commenced without the sanction of the Local Government Board, after such inquiry as herein-after mentioned, unless such objection is withdrawn.

The Local Government Board may, on application of the local authority (*a*), appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Local Government Board on the matters with respect to which such inquiry was directed; and on receiving the report of such inspector, the Local Government Board may make an order disallowing or allowing with such modifications (if any) as they may deem necessary the intended work.

Power of carrying mains.

54. (Irish Act, s. 64.) Where a local authority (*a*) supply water within their district, they shall have the same powers and be subject to the same restrictions for carrying water mains within or without their district as they have and are subject to for carrying sewers within or without their district respectively by the law for the time being in force.

As to supply of water.

55. (Irish Act, s. 65.) A local authority (*a*) shall provide and keep in any waterworks constructed or purchased

(*a*) In the Irish Act, read "Sanitary Authority."

by them a supply of pure and wholesome water; and where a local authority (*a*) lay any pipes for the supply of any of the inhabitants of their district, the water may be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the district or part of the district supplied. 38 & 39 Vict., Cap. 55.

Power to charge water rates and rents.

56. (Irish Act, s. 66.) Where a local authority (*a*) supply water to any premises they may charge in respect of such supply a water rate to be assessed on the net annual value of the premises ascertained in the manner by this Act prescribed with respect to general district rates; moreover they may enter into agreements for supplying water on such terms as may be agreed on between them and the persons receiving the supply, and shall have the same powers for recovering water rents or other payments accruing under such agreements as they have for recovering water rates.

[In the Irish Act, in lieu of the words "ascertained in the manner by this Act prescribed with respect to general district rates," in the fourth and fifth lines, read, "to be made, assessed, and levied in like manner in every respect as the rate out of which the expenses incurred by such sanitary authority in the execution of this Act are defrayed," and, in lieu of the words "shall have the same powers," &c., to end of section, read "may recover water rents or other moneys payable under such agreements in a summary manner." As to power to require water rates to be levied in Ireland, see Public Health (Ireland) Act, 1896, s. 5 (1).]

Incorporation of certain provisions of Waterworks Clauses Acts.

57. (Irish Act, s. 67.) For the purpose of enabling any local authority to supply water there shall be incorporated with this Act the Waterworks Clauses Act, 1863, and the following provisions of the Waterworks Clauses Act, 1847; (namely,)

"With respect" (where the local authority have not the control of the streets) "to the breaking up of streets for the purpose of laying pipes"; and

"With respect to the communication pipes to be laid by the undertakers"; and

"With respect to the communication pipes to be laid by the inhabitants"; and

"With respect to waste or misuse of the water supplied by the undertakers"; and

"With respect to the provision for guarding against fouling the water of the undertakers"; and

"With respect to the payment and recovery of the water rates."

Provided,—

That the provisions with respect to the communication

(*a*) In the Irish Act, read "Sanitary Authority."

38 & 39 Vict., Cap. 55.

pipes to be laid by the undertakers and the inhabitants respectively shall apply only in districts or parts of districts where the local authority (*a*) lay any pipes for the supply of any of the inhabitants thereof; and

That any dispute authorised or directed by any of the said incorporated provisions to be settled by an inspector or two justices shall be settled by a court of summary jurisdiction; and

That section forty-four of the Waterworks Clauses Act, 1847, shall for the purposes of this Act have effect as if the words "with the consent in writing of the "owner or reputed owner of any such house, or of "the agent of such owner," were omitted therefrom; and any rent for pipes and works paid by an occupier under that section may be deducted by him from any rent from time to time due from him to such owner.

Power to supply water by measure.

58. (Irish Act, s. 68.) A local authority (*a*) may agree with any person to supply water by measure, and as to the payment to be made in the form of rent or otherwise for every meter provided by them; they shall at all times at their own expense keep all meters and other instruments for measuring water let by them for hire to any person in proper order for correctly registering the supply of water, and in default of their so doing such person shall not be liable to pay rent for the same during such time as such default continues. The local authority (*a*) shall for the purposes aforesaid have access to and be at liberty at all reasonable times to remove test inspect and replace any such meter or other instrument.

Register of meter to be evidence.

59. (Irish Act, s. 69.) Where water is supplied by measure by any local authority (*a*), the register of the meter or other instrument for measuring water shall be primâ facie evidence of the quantity of water consumed; and if the local authority (*a*) and the consumer differ with respect to the quantity consumed, the difference shall be determined, on the application of either party, by a court of summary jurisdiction (*b*), and such court may order by which of the parties the costs of the proceedings before them shall be paid, and its decision shall be final and binding.

Penalty for injuring meters.

60. (Irish Act, s. 70.) If any person wilfully or by culpable negligence injures or suffers to be injured any meter or fittings belonging to a local authority (*a*), or fraudulently alters the index to any meter, or prevents any

(*a*) In the Irish Act, read "Sanitary Authority."

(*b*) For definition, see Interpretation Act, 1889, s. 13. (11), p. 371. Definition under this Act repealed by Statute Law Revision (No. 2) Act, 1893.

meter from duly registering the quantity of water supplied, or fraudulently abstracts or uses water of the local authority (*a*), he shall (without prejudice to any other right or remedy of the local authority (*a*) be liable to a penalty not exceeding forty shillings, and the local authority (*a*) may in addition thereto recover the amount of any damage sustained. The existence of artificial means, under the control of the consumer, for causing any such alteration prevention abstraction or use shall be evidence that the consumer has fraudulently effected the same. 38 & 39 Vict., Cap. 55.

61. (Irish Act, s. 71.) Any local authority (*a*) for the time being supplying water within their own district may, with the sanction of the Local Government Board, supply water to the local authority (*a*) of any adjoining district on such terms as may be agreed on between such authorities, or as, in case of dispute, may be settled by arbitration in manner provided by this Act. Power to supply water to authority of adjoining district.

62. (Irish Act, s. 72.) Where on the report of the surveyor (*b*) of a local authority (*a*) it appears to such authority that any house within their district is without a proper supply of water, and that such a supply of water can be furnished thereto at [a cost not exceeding the water rate authorised by any local Act in force within the district, or where there is not any local Act so in force at a cost not exceeding twopence a week, or at such other (*b*)] cost as the Local Government Board may, on the application of the local authority (*a*), determine under all the circumstances of the case to be reasonable (*c*), the local authority (*a*) shall give notice in writing to the owner, requiring him, within a time therein specified, to obtain such supply, and to do all such works as may be necessary for that purpose. Local authority (*a*) may require houses to be supplied with water in certain cases.

If such notice is not complied with within the time specified, the local authority (*a*) may, if they think fit, do such works and obtain such supply, and for that purpose may enter into any contract with any water company supplying water within their district; and water rates may be made and levied on the premises by the authority or company which furnishes the supply and may be recovered as if the owner or occupier of the premises had demanded a

(*a*) In the Irish Act, read "Sanitary Authority."

(*b*) In the Irish Act, in lieu of "surveyor," read "Sanitary Officer," and, in lieu of the words within brackets, in the fifth to eighth lines, read "such."

(*c*) For explanation as to meaning of "reasonable cost," see Public Health (Water) Act, 1878, s. 8. p. 311.

38 & 39 Vict., Cap. 55.

supply of water and were willing to pay water rates for the same, and any expenses incurred by the local authority (*a*) in doing any such works may be recovered in a summary manner from the owner of the premises, or may by order of the local authority be declared to be private improvement expenses.

Powers of water company for supplying water to local authority. (*a*)

63. (Irish Act, s. 73.) Any water company may contract to supply water or may lease their waterworks to any local authority (*a*); and the directors of any water company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in manner provided by that Act, and in the case of any other company of a resolution passed by three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to any local authority (*a*), on such terms as may be agreed on between the company and the local authority (*a*), all the rights powers and privileges, and all or any of the waterworks premises and other property of the company, but subject to all liabilities to which the same are subject at the time of such purchase.

Vesting of public cisterns, &c. in local authority. (*a*)

64. (Irish Act, s. 74.) All existing public cisterns pumps wells reservoirs conduits aqueducts and works used for the gratuitous supply of water to the inhabitants of the districts of any local authority (*a*) shall vest in and be under the control of such authority, and such authority may cause the same to be maintained and plentifully supplied with pure and wholesome water, or may substitute maintain and plentifully supply with pure and wholesome water other such works equally convenient; they may also (subject to the provisions of this Act) construct any other such works for supplying water for the gratuitous use of any inhabitants who choose to carry the same away, not for sale, but for their own private use.

Water for public baths, or trading or manufacturing purposes.

65. (Irish Act, s. 75.) Any local authority (*a*) may, if they think fit, supply water from any waterworks purchased or constructed by them to any public baths or wash-houses, or for trading or manufacturing purposes, on such terms and conditions as may be agreed on between the local authority (*a*) and the persons desirous of being so supplied; moreover, any local authority (*a*) may, if they think fit, construct any works for the gratuitous supply of any public baths or wash-houses established otherwise than for private profit or supported out of any poor or borough rates.

(*a*) In the Irish Act, read "Sanitary Authority."

38 & 39 Vict., Cap. 55.

Duty of urban authority to provide fire-plugs.

66. (Irish Act, s. 76.) Every urban authority shall cause fire-plugs and all necessary works machinery and assistance for securing an efficient supply of water in case of fire to be provided and maintained, and for this purpose they may enter into any agreement with any water company or person; and they shall paint or mark on the buildings and walls within the streets words or marks near to such fire-plugs to denote the situation thereof, and do such other things for the purposes aforesaid as they may deem expedient.

[In the Irish Act, in lieu of the first word of the above section, read "In every urban sanitary district, or part of such district, in which and so far as no water company shall be by law liable to the obligation of doing the several matters and things mentioned in this section, the "]

Agreements with universities.

67. In the Oxford or Cambridge district the local authority may supply water to any hall college or premises of the university within such district, on such terms with respect to the mode of paying for such supply as may from time to time be agreed on between such university, or any hall or college thereof, and the local authority.

Provisions for Protection of Water.

Penalty for causing water to be corrupted by gas washings.

68. (Irish Act, s. 77.) Any person engaged in the manufacture of gas who—

(1.) Causes or suffers to be brought or to flow into any stream reservoir aqueduct pond or place for water, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,

(2.) Wilfully does any act connected with the making or supplying of gas whereby the water in any such stream reservoir aqueduct pond or place for water is fouled,

shall forfeit for every such offence the sum of two hundred pounds, and, after the expiration of twenty-four hours notice from the local authority (*a*) or the person to whom the water belongs in that behalf, a further sum of twenty pounds for every day during which the offence is continued or during the continuance of the act whereby the water is fouled.

Every such penalty may be recovered, with full costs of suit, in any of the superior courts, in the case of water belonging to or under the control of the local authority (*a*) by the local authority (*a*), and in any case by the person into whose water such washing or other substance is

(*a*) In the Irish Act, read "Sanitary Authority."

38 & 39 Vict., Cap. 55.

conveyed or flows or whose water is fouled by any such act as aforesaid, or in default of proceedings by such persons, after notice to him from the local authority (*a*) of their intention to proceed for such penalty, by the local authority (*a*); but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it has ceased.

Local authority (*a*) may take proceedings to prevent pollution of streams.

69. (Irish Act, s. 78.) Any local authority (*a*), with the sanction of the Attorney General, may, either in their own name or in the name of any other person, with the consent of such person, take such proceedings by indictment bill in Chancery action or otherwise, as they may deem advisable for the purpose of protecting any watercourse within their jurisdiction from pollutions arising from sewage either within or without their district; and the costs of and incidental to any such proceedings, including any costs that may be awarded to the defendant, shall be deemed to be expenses properly incurred by such authority in the execution of this Act.

[In the Irish Act, after "Attorney General," in the second line of the above section, read "for Ireland," and after "watercourse," in the sixth line, insert "wholly or partially."]

Power to close polluted wells, &c.

70. (Irish Act, s. 79.) On the representation of any person to any local authority (*a*) that within their district the water in any well tank or cistern, public or private, or supplied from any public pump, and used or likely to be used by man for drinking or domestic purposes, or for manufacturing drinks for the use of man, is so polluted as to be injurious to health, such authority may apply to a court of summary jurisdiction for an order to remedy the same; and thereupon such court shall summon the owner or occupier of the premises to which the well tank or cistern belongs if it be private, and in the case of a public well tank cistern or pump, any person alleged in the application to be interested in the same, and may either dismiss the application, or may make an order directing the well tank cistern or pump to be permanently or temporarily closed, or the water to be used for certain purposes only, or such other order as may appear to them to be requisite to prevent injury to the health of persons drinking the water.

The court may, if they see fit, cause the water complained of to be analysed at the cost of the local authority (*a*) applying to them under this section.

If the person on whom an order under this section is made fails to comply with the same, the court may on the

(*a*) In the Irish Act, read "Sanitary Authority."

application of the local authority (*a*) authorise them to do whatever may be necessary in the execution of the order, and any expenses incurred by them may be recovered in a summary manner from the person on whom the order is made. 38 & 39 Vict., Cap. 55.

Expenses incurred by any rural authority in the execution of this section, and not recovered by them as aforesaid, shall be special expenses.

* * *

Supply of Water to Common Lodging Houses.

Power to local authority (*a*) to require supply of water to houses.

81. (Irish Act, s. 92.) Where it appears to any local authority (*a*) that a common lodging-house is without a proper supply of water for the use of the lodgers, and that such a supply can be furnished thereto at a reasonable rate, the local authority (*a*) may by notice in writing require the owner or keeper of such house, within a time specified therein, to obtain such supply, and to do all works necessary for that purpose; and if the notice be not complied with accordingly, the local authority (*a*) may (*b*) remove such house from the register until it is complied with.

* * *

[150. (Irish Act, 28.) Power to compel paving, &c. of private streets.]

* * *

Power to require gas and water pipes to be moved.

153. Where for any purpose of this Act any urban authority deem it necessary to raise sink or otherwise alter the situation of any water or gas pipes mains plugs or other waterworks or gasworks laid in or under any street, they may by notice in writing require the owner of the pipes mains plugs or works to raise sink or otherwise alter the situation of the same in such manner and within such reasonable time as is specified in the notice; the expenses of or connected with any such alteration shall be paid by the urban authority; and if such notice is not complied with the urban authority may themselves make the alteration required:

Provided—

That no such alteration shall be required or made which will permanently injure any such pipes mains plugs or works or prevent the water or gas from flowing as freely and conveniently as usual; and

That where under any local Act of Parliament the expenses of or connected with the raising sinking

(*a*) In the Irish Act, read "Sanitary Authority."
(*b*) In the Irish Act, read "shall."

38 & 39 Vict., Cap. 55.

or otherwise altering the situation of any water or gas pipes mains plugs or other waterworks or gasworks, are directed to be borne by the owner of such pipes or works, his liability in that respect shall continue in the same manner and under the same conditions in all respects as if this Act had not been passed.

* * *

Powers of urban authority for lighting their district. 12 & 13 Vict. c. 94. s. 8.

161. (Irish Act, s. 80.) Any urban authority may contract with any person (*a*) for the supply of gas, or other means of lighting the streets markets and public buildings in their district, and may provide such lamps lamp posts and other materials and apparatus as they may think necessary for lighting the same.

Where there is not any company or person (other than the urban authority) authorised by or in pursuance of any Act of Parliament, or any order confirmed by Parliament, to supply gas for public and private purposes, supplying gas within any part of the district of such authority, such authority may themselves undertake to supply gas for such purposes or any of them throughout the whole or any part of their district; and if there is any such company or person so supplying gas, but the limits of supply of such company or person include part only of the district, then the urban authority may themselves undertake to supply gas throughout any part of the district not included within such limits of supply.

Where an urban authority may under this Act themselves undertake to supply gas for the whole or any part of their district, a provisional order authorising a gas undertaking may be obtained by such authority under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any Act amending the same; and in the construction of the said Act the term "the undertakers" shall be deemed to include any such urban authority: Provided that for the purposes of this Act the Local Government Board shall throughout the said Act be deemed to be substituted for the Board of Trade.

Power for sale of undertaking of gas company to urban authority.

162. (Irish Act, s. 81.) For the purpose of supplying gas within their district or any part thereof either for public or private purposes any urban authority may (with the sanction of the Local Government Board) buy, and the directors of any gas company, in pursuance, in the case of a company registered under the Companies Act, 1862, of a special resolution of the members passed in

(*a*) In Irish Act, in lieu of word "person," read "company or person authorised by or in pursuance of any Act of Parliament, or any order confirmed by Parliament, to supply gas for public and private purposes supplying gas within any part of the district of such authority."

manner provided by that Act, and in the case of any other company, of a resolution passed by a majority of three fourths in number and value of the members present, either personally or by proxy, at a meeting specially convened with notice of the business to be transacted, may sell and transfer to such authority, on such terms as may be agreed on between such authority and the company, all the rights powers and privileges and all or any of the lands premises works and other property of the company, but subject to all liabilities attached to the same at the time of such purchase. 38 & 39 Vict., Cap. 55.

Watching and Lighting Act (3 & 4 W. 4. c. 90.) to be superseded by this Act.

163. Where in any place which after the passing of this Act becomes constituted or included in an urban district, or which by virtue of any order of the Local Government Board becomes subject to this enactment, the Act passed in the fourth year of the reign of King William the Fourth, intituled "An Act to repeal an Act of the "eleventh year of His late Majesty King George the "Fourth, for the lighting and watching of parishes in "England and Wales, and to make other provisions in lieu "thereof," has been adopted, the said Act shall be superseded by this Act, and all lamps lamp posts gas pipes fire engines hose and other property vested in the inspectors for the time being under the said Act shall vest in the authority having under this Act jurisdiction in such place.

* * *

[175-178. (Irish Act, 202-204.) (*a*) Purchase of Lands.]

[266-267. (Irish Act, 265-267.) Notices.]

* * *

Local Government Board may invest rural authority with power of urban authority.

276. The Local Government Board may, on the application of the authority of any rural district, or of persons rated to the relief of the poor, the assessment of whose hereditaments amounts at the least to one tenth of the net rateable value of such district, or of any contributory place therein, by order to be published in the London Gazette or in such other manner as the Local Government Board may direct, declare any provisions of this Act in force in urban districts to be in force in such rural district or contributory place, and may invest such authority with all or any of the powers rights duties capacities liabilities and obligations of an urban authority under this Act, and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of the district, or manner during at and in which such powers rights duties

(*a*) For amendment of s. 203 see Public Health (Ireland) Act, 1896, s. 8.

38 & 39 Vict., Cap. 55.

liabilities capacities and obligations are to be exercised and attach:

Provided that an order of the Local Government Board made on the application of one tenth of the persons rated to the relief of the poor in any contributory place shall not invest the rural authority with any new powers beyond the limits of such contributory place.

[For provision as to Ireland similar to that contained in above s. 276, see Public Health (Ireland) Act, 1896, s. 1, p. 448.]

Power of rural authority to form special drainage districts.

277. It shall be lawful for a rural authority, by resolution to be approved by the Local Government Board, but not otherwise, to constitute any portion of the area within their jurisdiction a special drainage district, for the purpose of charging thereon exclusively the expenses of works of sewerage water supply or of other works, which by this Act are or by order of the Local Government Board may be declared to be special expenses, and thereupon such area shall become a separate contributory place.

* * *

[279-286. (Irish Act, 12-14, 235, 236.) (*a*) Union of Districts.]

* * *

[297, 298. (Irish Act, 214, 215.) Provisional Orders by Local Government Board.]

[299-302. (As to Ireland, Public Health (Ireland) Act, 1896, s. 15.) Power of Local Government Board to enforce performance of duty by defaulting Local Authority.]

[305. (Irish Act, 271.) Entry on lands for purposes of Act.]

[307. (Irish Act, 273.) Penalty on damaging works, &c. of local or sanitary authority.]

[308. (Irish Act, 274.) Compensation in case of damage by local or sanitary authority.]

* * *

Substitution in other Acts of provisions of this Act for provisions of repealed Acts.

313. Where in any Act, or order made by one of Her Majesty's Principal Secretaries of State or by the Local Government Board and in force at the time of the passing of this Act, or in any document, any provisions of any of the Sanitary Acts which are repealed by this Act are mentioned or referred to, such Act order or document shall be read as if the provisions of this Act applicable to purposes the same as or similar to those of the repealed provisions were therein mentioned or referred to instead of such repealed provisions and were substituted for the same; nevertheless those substituted provisions shall have effect

(*a*) See also Public Health (Ireland) Act, 1896, s. 2.

subject to any modification or restriction in such Act order or document expressed in relation to the repealed provisions therein mentioned or referred to. 38 & 39 Vict., Cap. 55.

* * *

[332. (Irish Act, s. 286.) Saving for water rights generally.]

* * *

343. * * * Repeal of Acts in Schedule V. (*a*)

So much of the said Acts (*b*) as is set forth in the third part of that schedule (*c*) shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act.

SCHEDULE V.

PART III.

* * *

35 & 36 Vict. c. 79. s. 35.

The powers and duties of the Board of Trade under * * * the Metropolis Water Acts, 1852 and 1871, shall be exerciseable and performed by the Local Government Board, and "the Local Government Board" shall be deemed to be substituted for the "Board of Trade" wherever the latter expression occurs in the said Acts. Transfer of powers and duties of Board of Trade under * * * Metropolis Water Acts, 1852 and 1871, to Local Government Board.

[Words omitted refer to Alkali Act, 1863, repealed by Alkali, &c. Works Regulation Act, 1881, s. 30.]

* * *

(*a*) Repealing portion of s. 343 repealed by Statute Law Revision (No. 2) Act, 1893, and that of corresponding section 294 of Irish Act repealed by Statute Law Revision Act, 1883. As to non-revival, however, of enactments repealed by such repealing portion, see Interpretation Act, 1889, ss. 11. (1.), p. 369, and 38. (2.) (*a*), p. 376.

(*b*) The repealed Acts.

(*c*) Schedule V. to this Act. See extract therefrom, above.

38 & 39 Vict., Cap. 86.

CONSPIRACY, AND PROTECTION OF PROPERTY ACT, 1875.

38 & 39 Vict., Cap. 86. An Act for amending the Law relating to Conspiracy, and to the Protection of Property, and for other purposes.

[13th August 1875.]

[Introductory words repealed by Statute Law Revision (No. 2) Act, 1893.]

Short title.

1. This Act may be cited as the Conspiracy, and Protection of Property Act, 1875.

* * *

Breach of contract by persons employed in supply of gas or water.

4. Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty of supplying any city, borough, town, or place, or any part thereof, with gas or water, wilfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water, he shall on conviction thereof by a court of summary jurisdiction or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding twenty pounds or to be imprisoned for a term not exceeding three months, with or without hard labour.

Every such municipal authority, company, or contractor as is mentioned in this section shall cause to be posted up, at the gasworks or waterworks, as the case may be, belonging to such authority or company or contractor, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable despatch.

If any municipal authority or company or contractor make default in complying with the provisions of this section in relation to such notice as aforesaid, they or he

shall incur on summary conviction a penalty not exceeding five pounds for every day during which such default continues, and every person who unlawfully injures, defaces, or covers up any notice so posted up as aforesaid in pursuance of this Act, shall be liable on summary conviction to a penalty not exceeding forty shillings. 38 & 39 Vict., Cap. 86.

Breach of contract involving injury to persons or property.

5. Where any person wilfully and maliciously breaks a contract of service or of hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property whether real or personal to destruction or serious injury, he shall on conviction thereof by a court of summary jurisdiction, or on indictment as herein-after mentioned, be liable either to pay a penalty not exceeding twenty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

* * *

[**9-12.** Legal Proceedings. S. 12 in part repealed as to England by Summary Jurisdiction Act, 1884, s. 4.]

Definitions.

13. In this Act,—

The expression "the Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the "duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions "and orders," inclusive of any Acts amending the same; and

"Court of summary jurisdiction"

The expression "court of summary jurisdiction" means—

(1.) As respects the city of London, the Lord Mayor or any alderman of the said city sitting at the Mansion House or Guildhall justice room; and

(2.) As respects any police court division in the Metropolitan police district, any Metropolitan police magistrate sitting at the police court for that division; and

(3.) As respects any city, town, liberty, borough, place, or district for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and

(4.) Elsewhere, any justice or justices of the peace to whom jurisdiction is given by the Summary Juris-

38 & 39 Vict., Cap. 86.

diction Act: Provided that, as respects any case within the cognisance of such justice or justices as last aforesaid, an information under this Act shall be heard and determined by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions.

Nothing in this section contained shall restrict the jurisdiction of the Lord Mayor or any alderman of the city of London, or of any metropolitan police or stipendiary magistrate, in respect of any act or jurisdiction which may now be done or exercised by him out of court.

Definitions of "municipal authority" and "public company."

14. The expression "municipal authority" in this Act means any of the following authorities, that is to say, the Metropolitan Board of Works (*a*), the Common Council of the city of London, the Commissioners of Sewers of the city of London (*b*), the town council of any borough for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the "Regulation of Municipal Corporations in England and "Wales," (*c*) and any Act amending the same, any commissioners, trustees, or other persons invested by any local Act of Parliament with powers of improving, cleansing, lighting, or paving any town, and any local board.

Any municipal authority or company or contractor who has obtained authority by or in pursuance of any general or local Act of Parliament to supply the streets of any city, borough, town, or place, or of any part thereof, with gas, or which is required by or in pursuance of any general or local Act of Parliament to supply water on demand to the inhabitants of any city, borough, town, or place, or any part thereof, shall for the purposes of this Act be deemed to be a municipal authority or company or contractor upon whom is imposed by Act of Parliament the duty of supplying such city, borough, town, or place, or part thereof, with gas or water.

"Maliciously" in this Act construed as in Malicious Injuries to Property Act.

15. The word "maliciously" used in reference to any offence under this Act shall be construed in the same manner as it is required by the fifty-eighth section of the Act relating to malicious injuries to property, that is to say, the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8), p. 362.

(*b*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

(*c*) Repealed by Municipal Corporations Act, 1882, s. 5. For substituted reference to that Act, see s. 242. (3) thereof.

seven (*a*), to be construed in reference to any offence committed under such last-mentioned Act. 38 & 39 Vict Cap. 86.

* * *

Application of Act to Scotland.

18. This Act shall extend to Scotland, with the modifications following; that is to say, Application to Scotland

(1.) The expression "municipal authority" means the town council of any royal or parliamentary burgh, or the commissioners of police of any burgh, town, or populous place under the provisions of the General Police and Improvement (Scotland) Act, 1862, or any local authority under the provisions of the Public Health (Scotland) Act, 1867: Definitions

[(2.) Repealed by Statute Law Revision (No. 2) Act, 1893.]

(3.) The expression "the court of summary jurisdiction" means the sheriff of the county or any one of his substitutes.

[**19-20.** Recovery of penalties, &c. and appeal in Scotland. In part repealed by Statute Law Revision (No. 2) Act, 1893.]

* * *

Application of Act to Ireland.

21. This Act shall extend to Ireland, with the modifications following; that is to say, Application to Ireland.

[Definition of Summary Jurisdiction Act and Court of Summary Jurisdiction repealed by Statute Law Revision (No. 2) Act, 1893.]

* * *

The expression "municipal authority" shall be construed to mean the town council of any borough for the time being, subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, entitled "An Act for the Regulation of Municipal "Corporations in Ireland," and any commissioners invested by any general or local Act of Parliament, with power of improving, cleansing, lighting, or paving any town or township.

(*a*) Short Title, "The Malicious Damage Act, 1861." See Short Titles Act, 1896, s. 1.

38 & 39 Vict., Cap. 89.

PUBLIC WORKS LOANS ACT, 1875.

38 & 39 Vict., Cap. 89. An Act to consolidate with Amendments the Acts relating to Loans for Public Works. [13th August 1875.]

[Introductory words repealed by Statute Law Revision (No. 2) Act, 1893.]

Short title.

1. This Act may be cited as the "Public Works Loans Act, 1875."

[**2.** Commencement of Act. Repealed by Statute Law Revision (No. 2) Act, 1893.]

Extent of Act.

3. This Act shall extend to the Isle of Man.

Constitution, &c. of Public Works Loan Commissioners.

4. For the purpose of loans out of moneys issued in pursuance of this Act, and for the purpose of the execution of this Act and of any enactment passed or hereafter to be passed authorising or referring to such loans, there shall be a body of Commissioners (in this Act referred to as the Loan Commissioners), who may be styled the Public Works Loan Commissioners.

Every person who may from time to time be appointed by Act of Parliament a Public Works Loan Commissioner shall, on signing the declaration in the second schedule to this Act, be deemed to be one of the Public Works Loan Commissioners under this Act.

The Public Works Loan Commissioners shall hold office during such period as may be authorised by any Act appointing them, and if no period is so authorised, during the period of five years after the passing of such Act, and, if at the expiration of such period successors have not been appointed, may continue to hold office until successors be appointed, subject to this qualification, that they shall not grant any new loan after the expiration of such period.

* * *

A Public Works Loan Commissioner shall not receive any salary, fee, or emolument in respect of his services as such Commissioner.

* * *

Loans for public works.

9. The Loan Commissioners may, if they think it expedient, from time to time, in manner mentioned in this

Act, make loans for the purpose of any of the works mentioned in the first schedule to this Act, to any person having power under an Act of Parliament or otherwise to borrow for such purpose. 38 & 39 Vict., Cap. 89.

The Loan Commissioners in considering the propriety of granting a loan shall have regard to the sufficiency of the security for its repayment, and, subject to the provisions of any special Act, shall determine whether the work for which the loan is asked would be such a benefit to the public as to justify a loan out of public money, having regard to the amount of money placed at their disposal by Parliament.

10. Every loan granted under this Act shall bear interest at a rate not less than the rate authorised by a special Act relating to such loan, or if no rate be so authorised, not less than five per cent. per annum (*a*); Interest on loan.

* * *

11. Every loan granted under this Act shall be made repayable by instalments (in the form of an annuity or otherwise) within a period from the date of the actual advance of such loan, not exceeding the period authorised by a special Act relating to such loan, or if no period be so authorised not exceeding twenty (*b*) years. Term of years for repayment of loan.

Where a loan has been granted repayable within a period less than the full period allowed by the foregoing provisions of this section, the Loan Commissioners, if the repayment of the loan with interest is in their opinion sufficiently secured by such security as is required by this Act, and if they think fit, may extend the period for the repayment of such loan to a period not exceeding the said full period from the date of the advance of such loan.

Where no period is authorised by a special Act relating to the loan, the Treasury, on the recommendation of the Loan Commissioners, stating special circumstances, may either before or after the grant of the loan, extend the period within which the loan is to be repaid to such period as may be recommended by the Loan Commissioners.

The Loan Commissioners in considering whether the period for the repayment of a loan should or should not be the said full period, and the Loan Commissioners and the Treasury in considering whether the period should be

(*a*) This section, and s. 2 of the Public Works Loans Act, 1879, as to cases in which the rate of interest fixed by the special Act is a special rate less than five per cent., are, in their application to loans granted after 28th June, 1892, to have effect as if four per cent. were therein substituted for five per cent. See Public Works Loans Act, 1892, s. 2.

(*b*) Thirty now substituted for twenty. See Public Works Loans Act, 1898, s. 5.

38 & 39 Vict., Cap. 89.

extended as aforesaid, shall have regard to the durability of the work for the purpose of which the loan is granted, and to the expediency of the cost of the work being paid by the generation of persons who will immediately benefit by such work.

The first instalment for the repayment of every loan shall be made payable within a period not exceeding five years from the date of the advance of such loan.

Security for loans.

12. The Loan Commissioners before advancing any money on account of a loan shall take security for the repayment of the loan with the interest, consisting of the security authorised by the special Act relating to the loan, or if none is so authorised, of a mortgage of property or of a rate, or of both property and a rate, and (save as herein-after mentioned) of personal security.

The Loan Commissioners may, if they think fit, dispense with personal security in any case in which in their opinion the mortgaged property or rate is sufficient security for the payment of the principal and interest of the loan within the stipulated period.

* * *

FIRST SCHEDULE.

Works for the Purpose of which the Commissioners may lend Money.

* * *

Waterworks established or carried on by a sanitary or other local authority.

* * *

SECOND SCHEDULE.

Form of Declaration.

I, *A.B.*, do hereby declare that according to the best of my judgment I will faithfully and impartially execute the powers and duties of a Public Works Loan Commissioner according to law.

39 & 40 Vict., Cap. 49.

BURGHS GAS SUPPLY (SCOTLAND) ACT, 1876.

39 & 40 Vict., Cap. 49. An Act to make provision for lighting Burghs in Scotland with Gas.

[11th August 1876.]

[Introductory words.]

Short title.

1. This Act may be cited as "The Burghs Gas Supply (Scotland) Act, 1876."

Application of Act limited.

2. The provisions of this Act shall not empower the town council or commissioners of police of any burgh in which this Act shall be adopted, as commissioners under this Act, to supply gas within any part of the area of supply over which the town council or commissioners of police of any other burgh, or any gas company, incorporated by Act of Parliament, or any company, partnership, or person authorised by any Provisional Order confirmed by Act of Parliament, shall have statutory powers to supply gas at the date of the adoption of this Act in such burgh.

Interpretation of terms.

3. The following expressions in this Act have the meanings hereby assigned to them; that is to say,

"Burgh" shall mean Royal burgh and Parliamentary burgh, and includes every burgh and place having town councillors or commissioners of police elected under any General or Local Act of Parliament:

"Commissioners" means the authority for executing this Act in any burgh in which the same shall be adopted:

* * *

"Company" means any person, persons, company, or companies carrying on the business of a gas company:

* * *

[**4-5.** Adoption of the Act.]

* * *

II.—*Incorporation of Acts.*

10 & 11 Vict., c. 15. incorporated.

6. * * * "The Gasworks Clauses Act, 1847," except the clauses thereof with respect to the amount of profit to be received by the undertakers when the gasworks are

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carried on for their benefit, shall, except where the same is at variance with the provisions of this Act, be incorporated with and form part of this Act.

The several words and expressions to which by the Acts partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts partially incorporated with this Act, and also in this Act, the expressions "the undertakers" and "the commissioners" shall mean the commissioners acting in the execution of this Act; "the undertaking" shall mean the gasworks, business, property heritable and movable, plant, pipes, meters, and other assets of any company, to be purchased by and vested in the commissioners under the provisions of this Act; the word "street" shall mean and include street, highway, quay, wharf, bridge, railway crossing, bridleway, footway, carriagewav, side pavement, turnpike, statute labour, or other road, thoroughfare, lane, passage, square, court, or place within any burgh brought under the provisions of this Act; and the word "lands" shall include any servitude, right, or privilege in, over, or affecting lands.

III.—*The Commissioners; their Proceedings.*

[7. Commissioners for executing Act.]

[8. Power to commissioners to appoint committee.]

[9. Two or more burghs may amalgamate.]

[10. Meetings of committee.]

[11. Vacancies not to invalidate acts of commissioners.]

[12. Minutes of proceedings.]

Contract for supply of gas not to disqualify commissioners.

13. No person shall be disqualified from being, continuing, or acting as a commissioner by reason of his being concerned in any contract entered into with the commissioners for the supply of gas, or of his being a mortgagee of the commissioners or an annuitant.

Liability for payment of rates not to disqualify.

14. No person liable under this Act in payment of rates or other consideration in respect of a supply of gas shall on that account, or on account of being a commissioner, be disqualified from acting as a justice of peace or sheriff, or exercising any judicial or other function in the carrying out of this Act.

[15. Books and accounts to be kept.]

[16. Auditor to be appointed.]

39 & 40 Vict., Cap. 49.

Accounts to be balanced.

17. The accounts to be kept by the treasurer shall be brought to a balance on the fifteenth day of May in each year for the year immediately preceding, and shall be audited within thirty days thereafter, and shall be submitted along with the auditor's report to a general meeting of the commissioners, which shall be held upon the second Monday of July annually, at which meeting the accounts shall be examined, and an abstract statement and account, authenticated by the docquet and subscription of the chairman of the meeting and the clerk, shall be printed, and a copy thereof shall be inserted once in each newspaper published in the burgh within ten days of the date of such general meeting, or if there be no newspaper published in the burgh, a copy of such abstract statement and account shall be inserted once in a newspaper published in the county in which the burgh is situated, or in an adjoining county. The commissioners shall also keep printed copies of such abstract statement and account at their office, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

IV.—*General Powers and Obligations of Commissioners.*

Commissioners may erect gasworks and supply public and private lights in certain cases.

18. The commissioners may (subject to the provisions of this Act) erect, lay down, improve, extend, and maintain gasworks, gasometers, and pipes for the distribution of gas, and execute all such works as may be necessary for the efficient manufacture and supply of gas for public and private purposes, and may purchase, acquire, and hold lands and other property for these purposes, and may carry on any such operations and business as are usually carried on by gas companies.

Provided that the commissioners shall not manufacture or store gas, or any residual products, upon any lands without the previous consent in writing of the owner, lessee, and occupier of every dwelling-house situate within three hundred yards of the limits of such lands, [or until the commissioners shall have made a return to the Board of Trade setting forth the description and extent of such lands.] But this proviso shall not apply to lands upon which gas or residual products are manufactured or stored at the date of the adoption of this Act.

[Words within brackets repealed, and other provision substituted therefor, by Burghs Gas Supply (Scotland) Act, 1893, s. 2, p. 414.]

[**19.** Sale of superfluous lands.]

Commissioners may purchase gasworks.

20. Where there is a company not incorporated by Act of Parliament, or authorised by Provisional Order confirmed by Act of Parliament, supplying gas within a

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burgh, the commissioners may, subject to the provisions of this Act, buy from such company, and such company, if formed or registered under the Companies Act, 1862, with the sanction of a special resolution in terms of that Act, and if not so formed or registered, with the consent of a majority of three fourths in value of the shareholders or members of such company, present either personally or by proxy at a meeting specially convened for the purpose, may sell and transfer to the commissioners, on such terms as may be agreed on between the commissioners and the company, the undertaking of such company, and all the rights, powers, and privileges, and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of purchase.

Provisions for purchase.

21. Where there is a company not incorporated by Act of Parliament, or authorised by Provisional Order confirmed by Act of Parliament, supplying gas within a burgh, the commissioners, before they shall exercise any of the powers conferred by this Act, shall give notice to such company that they are willing to buy or to treat for the purchase of the undertaking of such company, and of all the rights, powers, and privileges, and all the lands, premises, works, and other property of the company, and if such company shall consent, in manner provided by the last preceding section, to sell the same, the commissioners shall purchase the undertaking on terms mutually agreed upon or to be fixed by arbitration in the manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, respecting matters thereby directed to be settled by arbitration, and if such company shall refuse to sell the same, or shall not within two calendar months after the service of such notice return any answer, the commissioners may present a petition to the sheriff stating the facts, and the sheriff shall, on being satisfied by evidence of the facts as stated, decern accordingly, and on such decree being pronounced the commissioners shall have and may exercise all the powers conferred by this Act.

Consideration for gasworks of any company if purchased

22. The consideration to be paid by the commissioners for the purchase of the undertaking of any gas company under the powers of this Act may be either a capital sum of money or annuities, or partly a capital sum of money and partly annuities, as may be agreed upon between the commissioners and the company, but the commissioners shall not pay any such consideration either in the shape of a capital sum or in annuities until the company selling their undertaking shall have delivered to the commissioners a valid conveyance thereof duly stamped

and executed: Provided that such annuities shall be limited to expire within forty years from the date of the purchase. 39 & 40 Vict., Cap. 49.

[23. Annuities to vest in shareholders of company.]

[24. Actions not to abate.]

[25. Company to cease to supply gas.]

[26. Ultimate dissolution of company.]

V.

[27-40. Borrowing Powers of Commissioners.]

VI.—*General Provisions.*

Commissioners to fix rates for gas.

41. The commissioners shall from time to time fix the price to be paid for gas to be supplied during any succeeding year or half year, and until such price be altered by the commissioners the price so fixed shall remain in force, provided that the price shall be such as will, as nearly as can be estimated, raise sufficient income to discharge all the costs and expenses of and incident to the manufacture and distribution of the gas made, together with the interest on all money borrowed in respect of the works, and to provide the sinking fund required by this Act, and to provide for a depreciation and renewal fund sufficient to maintain the works in perpetuity and for all charges incident to the occupation of such works, and the moneys received in respect of and incident to the manufacture and distribution of gas shall be applied to such purposes only, and any balance at the termination of any year shall be carried to the debit or credit of the succeeding year: Provided also, that the prices charged shall be the same to all consumers under like circumstances, and the revenue of the gas works shall be credited with an amount for the gas consumed for public purposes, calculated at the rates charged to private consumers, which amount shall be a charge upon the rates leviable for public lighting.

Commissioners may contract to light adjoining burghs.

42. The commissioners may contract with any local authority adjacent to the burgh to supply gas within their respective limits, provided that there is no town council nor commissioners of police nor any gas company entitled (at the date of the passing of this Act) to supply gas within such limits.

Supply of adjacent districts.

43. The commissioners may supply gas to any district adjacent to the burgh not being at the time of the adoption of this Act within the area of supply of any incorporated company, or company authorised by Pro-

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visional Order confirmed by Act of Parliament, town council, or other commissioners.

Dispensing with notice as to interference with streets.

44. It shall not be necessary for the commissioners, before they proceed to break up for the purposes of this Act any street under the control of the commissioners, to give any notice of their intention so to do.

Obligation on commissioners as to supply of gas.

45. The commissioners shall, on the request in writing of the owner or occupier of any building or part of a building within one hundred yards of which any main of the commissioners is laid, furnish to such owner or occupier a supply of gas for such building or part of a building on the following conditions; viz.,

First. That the person making such request do, if required by the commissioners, give to them, at his own expense, reasonable security for payment for the gas to be supplied;

Secondly. That such person do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the commissioners is placed;

Thirdly. That such person do, if required by the commissioners, pay in advance the estimated amount of such cost and expenses; and any dispute as to any matter arising under the present section shall be settled, upon the application of either party, by the sheriff, whose decision thereof shall be final: Provided that if the commissioners neglect or refuse to furnish a supply of gas to such owner or occupier, who has fulfilled or is ready to fulfil the conditions herein-before mentioned, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Gas pipes may be put in buildings.

46. Subject to the provisions contained in this Act, and the Acts partially incorporated herewith, the commissioners may lay any pipe, branch, or other necessary apparatus, with the consent of the owner and occupier of any building, for the purpose of lighting the same or any adjoining building, and may, with the like consent, provide and set up any apparatus necessary for securing to any building a proper and sufficient supply of gas, and for measuring and ascertaining the extent of such supply.

Gas to be consumed by meter.

47. Every consumer of gas supplied by the commissioners shall consume the gas by meter; and every meter measuring the consumption of gas, whether such meter is provided by the consumer or the commissioners, shall be subject to the inspection and approval of the officers and servants of the commissioners.

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Power to enter buildings to inspect meters &c., and for ascertaining quantities of gas consumed.

48. Any officer appointed by the commissioners may at all reasonable times enter any building or land lighted with gas supplied by the commissioners, in order to inspect the meters, fittings, and works for the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall for every such offence forfeit to the commissioners a sum not exceeding five pounds.

Notice to commissioners putting up or removing meters.

49. Before any person shall connect or disconnect any meter through which gas supplied by the commissioners is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the commissioners of his intention to do so, and any person offending against this enactment shall forfeit and pay to the commissioners a sum not exceeding forty shillings.

Repair of meters.

50. Every consumer of gas supplied by the commissioners shall at all times, at his own expense, keep all meters whereby the consumption of such gas is registered in proper order for correctly registering such consumption, in default whereof the commissioners may cease to supply gas through such meters; and the commissioners shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter at their own expense if the meter be found in proper order, but otherwise at the expense of the consumer.

Power to commissioner to let meters.

51. The commissioners may let for hire any meter and any fittings thereto, on such terms with respect to the repair of such meter and fittings, and for securing the safety and return of the same to the commissioners, as may be agreed upon between the hirer and the commissioners, and such hire shall be recoverable in the same manner as moneys due to the commissioners for gas; and such meters and fittings shall not be subject to any diligence at the instance of the landlord for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law, or any proceedings in bankruptcy against the persons in whose possession the same may be.

Register of meter to be primâ facie evidence.

52. The register of the meter shall be primâ facie evidence of the quantity of gas consumed.

Power to remove meters and fittings.

53. It shall be lawful for the commissioners, after twenty-four hours notice in writing under the hand of the manager of their works or some other one of their officers

39 & 40 Vict., Cap. 49.

to the occupier, or if unoccupied, then to the owner or lessee or the person in charge or reputed to be in charge of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the commissioners are laid or fixed, and through or in which the supply of gas shall, from any cause other than the neglect or default of the commissioners, be discontinued, to enter such land, house, or building between the hours of nine in the morning and six in the afternoon, for the purpose of removing, and to remove, such pipes, meters, or fittings, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or, if such person or his address be not known, then by being affixed on some conspicuous part of such land, house, or building.

Fraudulently injuring meters, &c.

54. Every person who shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any meter or fittings belonging to the commissioners, or shall fraudulently alter or prevent the index to any meter from duly registering the quantity of gas supplied, shall, without prejudice to any other right or remedy for the protection of the commissioners or the punishment of the offender, for every such offence forfeit and pay to the commissioners a sum not exceeding five pounds, and the commissioners may in addition thereto recover the amount of any damages by them sustained, and the commissioners may, notwithstanding any contract previously existing, discontinue the supply of gas to the person so offending until the injury is remedied and the amount of the damages is paid.

For preventing wilful waste of gas.

55. If and whenever any person supplied with gas by the commissioners wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of gas supplied by the commissioners, the commissioners may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains or is not remedied, and also may recover, in any court of competent jurisdiction, from every person so offending, the amount of all loss, damage, or injury which the commissioners may sustain by reason of any such thing or failure; and the remedies of the commissioners under this enactment shall be in addition to their other remedies in that behalf.

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Pressure of gas.

56. All the gas supplied by the commissioners to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any person appointed for the purpose by the sheriff may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any road authority, and the provisions of this Act with reference to the testing of the illuminating power and purity of gas, and to penalties, shall, mutatis mutandis, apply to such testing of pressure.

Quality of gas.

57. All the gas supplied by the commissioners shall be at least of such quality as to produce from a union jet or other burner approved by the Board of Trade, capable of consuming five cubic feet of gas per hour under a pressure equal to a column of water five tenths of an inch in height, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound burning one hundred and twenty grains per hour.

Commission to maintain apparatus to test illuminating power of gas.

58. The commissioners shall, within six months after they begin to supply gas, provide in some convenient part of their works an experimental meter furnished with a union jet or other burner approved by the Board of Trade, capable of consuming five cubic feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas, and for testing the presence of sulphuretted hydrogen therein, in accordance with the regulations prescribed in Part I. of the Schedule A. annexed to the Gasworks Clauses Act, 1871, and so situate and arranged as to test all the gas supplied by the commissioners, and shall at all times thereafter keep and maintain such experimental meter and apparatus in good repair and working order.

Provision for testing quality of gas.

59. Any five consumers of gas may, by order in writing, appoint some competent person, not being one of themselves, to proceed to the works of the commissioners; and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the commissioners, and in the presence of the superintendent or other officer of the commissioners make experiment of the illuminating power and purity of the gas by means of the experimental meter and other apparatus by this Act directed to be provided in accordance with

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the rules prescribed in Part II. of the Schedule A. annexed to the Gasworks Clauses Act, 1871; and the commissioners and their officers shall afford all reasonable facilities and assistance for making such experiment; and if it shall be proved to the satisfaction of the sheriff, after hearing the parties, that the illuminating power or purity of the gas supplied by the commissioners did not, when so tested as aforesaid, equal the illuminating power or purity by this and the recited Act prescribed, or that the commissioners or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, the commissioners shall in any such case be liable in such a penalty, not exceeding twenty pounds, as the sheriff shall determine.

Costs of experiment to be paid according to the event.

60. The costs of such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceedings before the sheriff, shall be ascertained by the sheriff, and, in the event of any penalty being imposed on the commissioners, shall be paid, together with such penalty, by the commissioners, but in the event of no penalty being so imposed, such costs shall be paid to the commissioners by the persons complaining.

Recovery of sums owing to commissioners.

61. Where any person fails to pay any gas rent or any rate or any sum whatever due under this Act to the commissioners, the commissioners may recover the same, with costs, including the costs of cutting off the gas, if the same shall have been cut off by the commissioners, by proceedings in any court of competent jurisdiction, and their remedies under this enactment shall be in addition to their other remedies for the recovery thereof.

Contents of summons or warrant.

62. Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof or in a schedule thereto, several names and several sums.

Recovery of penalties.

63. All penalties under this Act and under the Acts partially incorporated with this Act may be recovered before the sheriff, under the provisions of the Summary Procedure Act, 1864, at the instance of any person injured by fault of the commissioners when the penalty is exigible from the commissioners, otherwise at the instance of the clerk of the commissioners.

39 & 40 Vict., Cap. 75.

RIVERS POLLUTION PREVENTION ACT, 1876.

39 & 40 Vict., Cap. 75. An Act for making further Provision for the Prevention of the Pollution of Rivers. [15th August 1876.]

[Preamble repealed by Statute Land Revision Act, 1894.]

Short title of Act.

1. This Act may be cited for all purposes as the Rivers Pollution Prevention Act, 1876.

PART I.—Law as to Solid Matters.

Prohibition as to putting solid matters into streams.

2. Every person who puts or causes to be put or to fall or knowingly permits to be put or to fall or to be carried into any stream, so as either singly or in combination with other similar acts of the same or any other person to interfere with its due flow, or to pollute its waters, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or any putrid solid matter, shall be deemed to have committed an offence against this Act.

In proving interference with the due flow of any stream, or in proving the pollution of any stream, evidence may be given of repeated acts which together cause such interference or pollution although each act taken by itself may not be sufficient for that purpose.

PART II.—Law as to Sewage Pollutions.

[3. Prohibition as to drainage into streams of sewers.]

PART III.—Law as to Manufacturing and Mining Pollutions.

Prohibition as to drainage into streams from manufactories.

4. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous, noxious, or polluting liquid proceeding from any factory or manufacturing process shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Where any such poisonous, noxious, or polluting liquid as aforesaid falls or flows or is carried into any stream along a channel used, constructed, or in process of construction at the date of the passing of this Act, or any new

39 & 40 Vict., Cap. 75.

channel constructed in substitution thereof, and having its outfall at the same spot, for the purpose of conveying such liquid, the person causing or knowingly permitting the poisonous, noxious, or polluting liquid so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous, noxious, or polluting liquid so falling or flowing or carried into the stream.

[5. Prohibition as to drainage into stream from mines.]

Restriction on proceedings under this part of the Act.

6. Unless and until Parliament otherwise provides the following enactments shall take effect, proceedings shall not be taken against any person under this part of this Act save by a sanitary authority, nor shall any such proceedings be taken without the consent of the Local Government Board: Provided always, that if the sanitary authority, on the application of any person interested alleging an offence to have been committed, shall refuse to take proceedings or apply for the consent by this section provided, the person so interested may apply to the Local Government Board, and if that Board on inquiry is of opinion that the sanitary authority should take proceedings, they may direct the sanitary authority accordingly, who shall thereupon commence proceedings.

The said Board in giving or withholding their consent shall have regard to the industrial interests involved in the case and to the circumstances and requirements of the locality.

The said Board shall not give their consent to proceedings by the sanitary authority of any district which is the seat of any manufacturing industry, unless they are satisfied, after due inquiry, that means for rendering harmless the poisonous, noxious, or polluting liquids proceeding from the processes of such manufactures are reasonably practicable and available under all the circumstances of the case, and that no material injury will be inflicted by such proceedings on the interests of such industry.

Any person within such district as aforesaid, against whom proceedings are proposed to be taken under this part of this Act, shall, notwithstanding any consent of the Local Government Board, be at liberty to object before the sanitary authority to such proceedings being taken, and such authority shall, if required in writing by such person, afford him an opportunity of being heard against such proceedings being taken, so far as the same relate to his works or manufacturing processes. The sanitary authority shall thereupon allow such person to be heard

by himself, agents, and witnesses, and after inquiry such authority shall determine, having regard to all the considerations to which the Local Government Board are by this section directed to have regard, whether such proceedings as aforesaid shall or shall not be taken; and where any such sanitary authority has taken proceedings under this Act, it shall not be competent to other sanitary authorities to take proceedings under this Act till the party against whom such proceedings are intended shall have failed in reasonable time to carry out the order of any competent court under this Act. 39 & 40 Vict., Cap. 75.

PART IV.—ADMINISTRATION OF LAW.

Sanitary authority to afford facilities for factories draining into sewers.

7. Every sanitary or other local authority having sewers under their control shall give facilities for enabling manufacturers within their district to carry the liquids proceeding from their factories or manufacturing processes into such sewers:

Provided that this section shall not extend to compel any sanitary or other local authority to admit into their sewers any liquid which would prejudicially affect such sewers or the disposal by sale, application to land, or otherwise, of the sewage matter conveyed along such sewers, or which would from its temperature or otherwise be injurious in a sanitary point of view:

Provided also, that no sanitary authority shall be required to give such facilities as aforesaid where the sewers of such authority are only sufficient for the requirements of their district, nor where such facilities would interfere with any order of any court of competent jurisdiction respecting the sewage of such authority.

Power of sanitary authority to enforce Act.

8. Every sanitary authority shall, subject to the restrictions in this Act contained, have power to enforce the provisions of this Act in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act which causes interference with the due flow within their district of any such stream, or the pollution within their district of any such stream, against any other sanitary authority or person, whether such offence is committed within or without the district of the first-named sanitary authority.

Any expenses incurred by a sanitary authority in the execution of this Act shall be payable as if they were expenses properly incurred by that authority in the execution of the Public Health Act, 1875.

Proceedings may also, subject to the restrictions in this Act contained, be instituted in respect of any offence

39 & 40 Vict., Cap. 75.

against this Act by any person aggrieved by the commission of such offence.

Power of Lee Conservancy Board to enforce Act.

9. The Conservancy Board constituted under the Lee Conservancy Act, 1868, shall, within the area of their jurisdiction, have, to the exclusion of any other authority, the powers for enforcing the provisions of this Act which sanitary authorities have under this Act.

The said Conservancy Board may also enforce the provisions of the Lee Conservancy Act, 1868, under the head or division "Protection of Water," by application to the county court having jurisdiction in the place in which any offence is committed against those provisions, and such court may by summary order require any person to abstain from the commission of any such offence, and the provisions of this Act with respect to summary orders of county courts and appeal therefrom shall apply accordingly.

LEGAL PROCEEDINGS. SAVING CLAUSES. DEFINITIONS.

(1.) *Legal Proceedings.*

Offences to be restrained by summary order of county court.

10. The county court having jurisdiction in the place where any offence against this Act is committed may by summary order require any person to abstain from the commission of such offence, and where such offence consists in default to perform a duty under this Act may require him to perform such duty in manner in the said order specified; the court may insert in any order such conditions as to time or mode of action as it may think just, and may suspend or rescind any order on such undertaking being given or condition being performed as it may think just, and generally may give such directions for carrying into effect any order as to the court seems meet. Previous to granting such order the court may, if it think fit, remit to skilled parties to report on the "best practicable and available means" and the nature and cost of the works and apparatus required, who shall in all cases take into consideration the reasonableness of the expense involved in their report.

Any person making default in complying with any requirement of an order of a county court made in pursuance of this section shall pay to the person complaining, or such other person as the court may direct, such sum, not exceeding fifty pounds a day for every day during which he is in default, as the court may order; and such penalty shall be enforced in the same manner as any debt adjudged to be due by the court; moreover, if any person so

in default persists in disobeying any requirement of any such order for a period of not less than a month or such other period less than a month as may be prescribed by such order, the court may in addition to any penalty it may impose appoint any person or persons to carry into effect such order, and all expenses incurred by any such person or persons to such amount as may be allowed by the county court shall be deemed to be a debt due from the person in default to the person or persons executing such order, and may be recovered accordingly in the county court. 39 & 40 Vict., Cap. 75.

Appeal from county court, and removal of case into High Court of Justice.

11. If either party in any proceedings before the county court under this Act feels aggrieved by the decision of the court in point of law or on the merits, or in respect of the admission or rejection of any evidence, he may appeal from that decision to the High Court of Justice.

The appeal shall be in the form of a special case to be agreed upon by both parties or their attorneys, and, if they cannot agree, to be settled by the judge of the county court upon the application of the parties or their attorneys.

The court of appeal may draw any inferences from the facts stated in the case that a jury might draw from facts stated by witnesses.

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts and appeals from decisions of the county court judges, and to the conditions of such appeals, and to the power of the superior courts on such appeals, shall apply to all proceedings under this Act, and to an appeal from such action, in the same manner as if such action and appeal related to a matter within the ordinary jurisdiction of the court.

Any plaint entered in a county court under this Act may be removed into the High Court of Justice by leave of any judge of the said High Court, if it appears to such judge desirable in the interests of justice that such case should be tried in the first instance in the High Court of Justice and not in a county court, and on such terms as to security for and payment of costs, and such other terms (if any) as such judge may think fit.

Certificate of inspector of Local Government Board as to best practicable means.

12. A certificate granted by an inspector of proper qualifications appointed for the purposes of this Act by the Local Government Board to the effect that the means used for rendering harmless any sewage matter or poisonous, noxious, or polluting solid or liquid matter falling or flowing or carried into any stream, are the best or only prac-

39 & 40 Vict., Cap. 75.

ticable and available means under the circumstances of the particular case, shall in all courts and in all proceedings under this Act be conclusive evidence of the fact; such certificate shall continue in force for a period to be named therein, not exceeding two years, and at the expiration of that period may be renewed for the like or any less period.

All expenses incurred in or about obtaining a certificate under this section shall be paid by the applicant for the same.

Any person aggrieved by the grant or the withholding of a certificate under this section may appeal to the Local Government Board against the decision of the inspector; and the Board may either confirm, reverse, or modify his decision, and may make such order as to the party or parties by whom the costs of the appeal are to be borne as to the said Board may appear just.

Restriction on proceedings for offences.

13. * * * nor shall proceedings in any case be taken under this Act for any offence against this Act until the expiration of two months after written notice of the intention to take such proceedings has been given to the offender, nor shall proceedings under this Act be taken for any offence against this Act while other proceedings in relation to such offence are pending.

[Words omitted from s. 13 repealed by Statute Law Revision Act, 1883.]

Orders as to costs of inquiries.

14. The Local Government Board may make orders as to the costs incurred by them in relation to inquiries instituted by them under this Act, and as to the parties by whom such costs shall be borne; and every such order and every order for the payment of costs made by the said Board under section twelve of this Act may be made a rule of Her Majesty's High Court of Justice.

Power of inspectors of Local Government Board.

15. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board under this Act, have in relation to witnesses and their examination, the production of papers and accounts, and the inspection of places and matters required to be inspected, similar powers to those which the inspectors of the said Board have under the Public Health Act, 1875, for the purposes of that Act.

(2.) *Saving Clauses.*

[**16.** Powers of Act cumulative.]

[**17.** Saving of rights of impounding and diverting water.]

[18. Saving of certain Conservancy Acts.] 39 & 40 Vict., Cap. 75.

[19. Saving of works of certain local authorities.]

(3.) *Definitions.*

20. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say, Definitions.

"Person" includes any body of persons, whether corporate or unincorporate:

"Stream" includes the sea to such extent, and tidal waters to such point, as may, after local inquiry and on sanitary grounds, be determined by the Local Government Board, by order published in the London Gazette (*a*). Save as aforesaid, it includes rivers, streams, canals, lakes, and watercourses, other than watercourses at the passing of this Act mainly used as sewers, and emptying directly into the sea, or tidal waters which have not been determined to be streams within the meaning of this Act by such order as aforesaid:

"Solid matter" shall not include particles of matter in suspension in water:

"Polluting" shall not include innocuous discoloration:

"Sanitary authority" means—

In the Metropolis as defined by the Metropolis Management Act, 1855, any local authority acting in the execution of the Nuisances Removal for England Act, 1855, (*b*) and the Acts amending the same;

Elsewhere in England, any urban or rural sanitary authority acting in the execution of the Public Health Act, 1875.

PART V.—APPLICATION OF THE ACT TO SCOTLAND.

21. In the application of this Act to Scotland the following provisions shall have effect: Modifications of Act in Scotland.

(1.) The expression "sanitary authority" shall mean and include the local authority in any parish or burgh in Scotland, acting under the Public Health (Scotland) Act, 1867: (*c*)

(2.) The expression "London Gazette" shall mean Edinburgh Gazette:

(*a*) In Scotland, "Edinburgh Gazette" (see s. 21 (2)), and in Ireland, "Dublin Gazette" (see s. 22 (8)).

(*b*) Repealed as to London by Public Health (London) Act, 1891, s. 142, p. 392. For substituted reference, see sub-section (7.) of such s. 142, and s. 99, (1.), with notes thereto, p. 390.

(*c*) Repealed by Public Health (Scotland) Act, 1897, s. 196, p. 463 For substituted reference to that Act, see ss. 12, 193 thereof, pp. 451, 462, and note (*a*) to such s. 12.

39 & 40 Vict., Cap. 75.

(3.) The expression "The Public Health Act, 1875," shall mean the Public Health (Scotland) Act, 1867, (*a*) and any Acts amending the same:

(4.) This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression ["the Secretary of State" were substituted; and the expression "the Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State]: (*b*)

(5.) The expression "the county court" shall mean the sheriff of the county, and shall include sheriff substitute; and the expression "plaint entered in a county court" shall mean petition or complaint presented in a sheriff court:

(6.) The expression "the High Court of Justice" shall mean the Court of Session in either division of the Inner House thereof:

(7.) All the jurisdiction, powers, and authorities necessary for the purposes of this Act are hereby conferred on sheriffs and their substitutes:

(8.) The Court of Session may, on the application of the Lord Advocate, on behalf of the [Secretary of State (*b*),] interpone their authority to any order made by the [Secretary of State (*b*)] as to the costs incurred by him in relation to inquiries instituted by him under this Act, and as to the parties by whom such costs shall be borne; and may grant decree conform thereto, upon which execution and diligence may proceed in common form:

(9.) An inspector appointed for the purposes of this Act by the [Secretary of State (*b*)] shall, for the purposes of any inquiry directed by the [Secretary of State (*b*)] under this Act, be entitled, by a summons signed by him, to require the attendance of all persons he may think fit to call before him in regard to the matters of the inquiry, and to administer oaths to, and examine upon oath, all such persons, and to require and enforce the production upon oath of all documents, accounts, or papers in anywise relating to such inquiry; and shall also have, in relation to the inspection of places and matters required to be inspected,

(*a*) Repealed and substituted reference provided. See note (*c*), p. 299.

(*b*) Now Secretary for Scotland. See Secretary for Scotland Act, 1885, s. 5.

similar powers to those which sanitary inspectors have under the Public Health (Scotland) Act, 1867. (*a*) 39 & 40 Vict., Cap. 75.

PART VI.

22. In the application of this Act to Ireland the following provisions shall have effect: Application of this Act to Ireland.

(1.) The expression "sanitary authority" shall mean any urban or rural sanitary authority acting in the execution of ["The Public Health (Ireland) Act, 1874:"] (*b*)

(2.) The expression "The Public Health Act, 1875," shall mean the [Public Health (Ireland) Act, 1874:] (*b*)

(3.) The expression "the Local Government Board" shall mean the Local Government Board for Ireland:

(4.) The expression "the county court" shall mean the civil bill court:

(5.) The expression "plaint entered in a county court" shall mean civil bill process:

(6.) The expression "the High Court of Justice" shall mean any of the Superior Courts of Common Law in Dublin, or any judge thereof to whom appeals may be brought from the decision of a civil bill court:

(7.) The expression "the judge of the county court" shall mean the chairman of quarter sessions and judge of the civil bill court:

(8.) The expression "the London Gazette" shall mean the Dublin Gazette:

(9.) All the jurisdiction, powers, and authorities necessary for the purposes of this Act are hereby conferred upon the civil bill courts and superior courts, and the judges of the same respectively:

(10.) All penalties, when recovered by or on behalf, or at the instance of or in any proceeding instituted by any sanitary authority, or any officer of such authority, shall be paid to such sanitary authority, and by the same applied in aid of their expenses under the Sanitary Acts; and save as aforesaid all such penalties shall be applied in manner directed by "The Fines Act (Ireland), 1851," and any Act amending the same.

(*a*) Repealed and substituted reference provided. See note (*c*), p. 299.

(*b*) Repealed by Public Health (Ireland) Act, 1878, s. 294. Such s. 294 repealed by Statute Law Revision Act, 1883, but see Interpretation Act, 1889, s. 11, (1.), p. 369. Reference now to Public Health (Ireland) Acts, 1878 to 1890. See Public Health (Ireland) Act, 1896, s. 28, p. 449.

40 Vict., Cap. 7.

CITY OF LONDON (VARIOUS POWERS) ACT, 1877.

40 Vict., Cap. 7. An Act to amend the Metage on Grain (Port of London) Act, 1872, and the Gaslight and Coke Company Act, 1876; and for other purposes. [24th April 1877.]

[Preamble.]

Short title.

1. This Act may be cited as "The City of London (Various Powers) Act, 1877."

Interpretation of terms.

2. In this Act—

The "Corporation" means the mayor and commonalty and citizens of the city of London:

* * *

Remuneration and expenses of chief gas examiner and auditor.

15. The remuneration of any chief gas examiner and of any auditor appointed or to be appointed under the provisions of the Gaslight and Coke Company Act, 1876, shall be such as the Board of Trade from time to time direct, and such remuneration and all expenses properly incurred by the said chief gas examiner and auditor in or about the execution of their duties respectively shall be paid by the Company on demand to such fund or account and in such manner as the Board of Trade from time to time direct, and shall be a debt due from the Company to the Crown, and shall be recoverable accordingly with costs.

Remuneration and expenses of gas examiners

16. The Commissioners of Sewers (*a*) and the Metropolitan Board of Works (*b*) respectively shall pay the remuneration of all gas examiners appointed by the Corporation and the Metropolitan Board of Works (*b*) respectively under the provisions of the Gaslight and Coke Company Act, 1876, together with all expenses properly incurred by such gas examiners respectively in or about the execution of their duties, as part of the expenses of executing the Acts relating to them respectively.

* * *

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

(*b*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

40 & 41 Vict., Cap. 31.

LIMITED OWNERS RESERVOIRS AND WATER SUPPLY FURTHER FACILITIES ACT, 1877.

40 & 41 Vict., Cap. 31. An Act to give further facilities to Landowners of limited interests in England and Wales and Ireland to charge their estates with the expenses of constructing Reservoirs for the storage of Water, and other similar purposes. (*a*) [2nd August 1877.]

[Preamble repealed by Statute Law Revision Act, 1894.]

1. This Act may be cited as the Limited Owners Reservoirs and Water Supply Further Facilities Act, 1877. Short title.

2. This Act shall not extend to Scotland. (*a*) Extent of Act.

3. This Act shall be incorporated with the Improvement of Land Act, 1864, and the two Acts shall be read together as one Act. Act incorporated with 27 & 28 Vict. c. 114.

4. The provisions of the Waterworks Clauses Act, 1863, with respect to the security of the reservoirs constructed by the undertakers are incorporated with this Act; and in that Act, as incorporated with this Act, the expression "the special Act" shall mean and include the Improvement of Land Act, 1864, and this Act; and the expression "the undertakers" shall mean any person who constructs or erects any reservoir or dam under the authority of either of the last-mentioned Acts. Certain provisions of 26 & 27 Vict. c. 93. incorporated. 27 & 28 Vict. c. 114.

5. The construction or erection of reservoirs or other works of a permanent character for the supply of water to persons residing or engaged in labour on the lands on which such works are situate, or on any other lands settled to the same uses, or for the more convenient or profitable user of such lands, or for the supply of water to any sanitary or other local authority or water company, or to What to be deemed improvements within 27 & 28 Vict. c. 114.

(*a*) For extension in part of Act to Scotland, see Improvement of Land Act, 1899, s. 2, p. 497.

40 & 41 Vict., Cap. 31.

any manufacturer or other person, or for any one or more of such purposes, shall be deemed to be an improvement of land within the meaning of the ninth section of the Improvement of Land Act, 1864, and shall be sanctioned by the Commissioners, if it can be shown to their satisfaction that such reservoirs or works for the supply of water will for any purpose effect a permanent yearly increase in the value of the lands on which they are situate, or any other lands settled to the same uses, or will be permanently productive of a yearly revenue to the owner of such lands exceeding the yearly amount proposed to be charged thereon; and the construction of any such works shall be deemed to include the purchase by the landowner of any water right or other easement which might otherwise interfere with or prevent the construction of the same or any such supply of water as aforesaid.

In calculating whether the improvement is likely to effect a permanent increase of the yearly value of the land, or be productive of a yearly revenue to the landowner exceeding the yearly amount proposed to be charged thereon, it shall be lawful for the Commissioners to take into account the value of any contract, the terms of which have been agreed upon between the landowner and any sanitary or other local authority, or water company, or manufacturer or other persons, for the purpose of supplying such authority, company, person, or persons with water, as well as the effect on such value or revenue of any sum expended by the landowner in the construction of the works over and above the sum proposed to be charged upon the land.

When the improvement will afford a supply of water to persons residing or engaged in labour on the lands on which the proposed works will be situate, or on any other lands settled to the same uses, the Commissioners may, if they think fit, sanction the improvement, although it may not be shown that the same will effect a direct yearly increase in the value of the lands, or be productive of a yearly revenue to the owner of the lands exceeding the yearly amount proposed to be charged thereon.

Supply of water to local authority, &c.

6. Any landowner charging or proposing to charge his estate with the cost of the construction of reservoirs or other works for the supply of water under this Act may enter into any agreement for the supply of water to any sanitary or other local authority, water company, manufacturer, or other person, for any term not exceeding the number of years during which the cost of the improvement, or any part of it, is made a charge upon the estate: Provided that every such agreement be approved by the

Commissioners, and that no premium or benefit in the nature of a premium be reserved thereby by the landowner. 40 & 41 Vict., Cap. 31.

Power to contract for execution of reservoirs, &c.

7. Any company now authorised to contract with landowners in England or Wales, or in Ireland, for the execution of any works for the improvement of land, or to make advances for the purpose of executing or assisting in the execution of such works, may, with the approval of the Commissioners, contract with any such landowner for the execution of any reservoirs or works of water supply, the cost of which may by this Act be charged upon the estates of such landowner, and may, with the like approval, make advances for the purpose of executing or assisting in the execution of such reservoirs or works; and for this purpose the execution of any such reservoirs or works shall be deemed to be an improvement of land within the meaning of any Act of Parliament or Articles of Association relating to any such company.

Subscriptions to waterworks.

8. Any landowner desiring to charge his estates with subscriptions for the construction of waterworks by a water company may charge his estates with such moneys on the same terms and conditions as he may under the Improvement of Land Act, 1864, charge his estates with moneys subscribed for the construction of railways or navigable canals; and for this purpose the provisions contained in sections seventy-eight to eighty-nine, both inclusive, of the Improvement of Land Act, 1864, shall apply, mutatis mutandis, to such subscriptions, as if the same had been subscribed for the construction of a railway or navigable canal.

Protection of rights.

9. Nothing in this Act shall be construed to authorise any landowner, or any water company, local authority, person, or persons authorised by any landowner, to injuriously affect any reservoir, canal, river, stream, or navigation, or the feeders thereof, or the supply, quality, or fall of water contained in any reservoir, canal, river, stream, or navigation, or in the feeders thereof, or any other water rights or easements in cases where any body of persons or person would, if this Act had not passed, have been entitled by law to prevent or be relieved against the injuriously affecting such reservoir, canal, river, stream, navigation, feeders, or such supply, quality, or fall of water, or other water rights or easements, unless the landowner, water company, local authority, person, or persons first obtain the consent in writing of the body of persons or person so entitled as aforesaid.

40 & 41 Vict., Cap. 31.

Definitions.

10. In this Act the following words and expressions shall have the following meanings; that is to say,

"The Commissioners" means the Inclosure Commissioners of England and Wales, or the Commissioners of Public Works in Ireland, as the case may require:

"The Improvement of Land Act, 1864," means the 27th and 28th Vict. c. 114:

"Works for the supply of water" includes wells, pumps, reservoirs, cisterns, ponds, tanks, aqueducts, cuts, sluices, mains, pipes, culverts, machinery, and things for supplying or used in supplying water:

"Water company" means any person or body of persons, corporate or unincorporate, supplying or who may hereafter supply water for his or their own profit:

"Local authority" means any authority having jurisdiction for any public local purpose.

The several words and expressions to which by the Improvement of Land Act, 1864, meanings are assigned, shall in this Act have the same respective meanings as in that Act.

41 & 42 Vict., Cap. 25.

PUBLIC HEALTH (WATER) ACT, 1878.

41 & 42 Vict., Cap. 25. An Act to amend the Public Health Act, 1875, so far as relates to the supply of Water. [4th July 1878.]

[Preamble repealed by Statute Law Revision Act, 1894.]

Short title, and construction.

1. This Act may be cited as the Public Health (Water) Act, 1878, and shall be construed as one with the Public Health Act, 1875.

[**2.** Repealed by Statute Law Revision Act, 1894.]

Duty of rural authority to provide or require provision of sufficient water supply, and procedure for enforcing such requirement.

3. It shall be the duty of every rural sanitary authority, regard being had to the provisions in this Act contained, to see that every occupied dwelling-house within their district has within a reasonable distance an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the house.

Where it appears to a rural sanitary authority, on the report of their inspector of nuisances, or their medical officer of health, that any occupied dwelling-house within their district has not such supply within a reasonable distance, and the authority are of opinion that such supply can be provided at a reasonable cost not exceeding a capital sum the interest on which at the rate of five per centum per annum would amount to twopence per week, or at such other cost not exceeding a capital sum the interest on which at the rate of five per centum per annum would amount to threepence per week, as the Local Government Board may on the application of the local authority determine under all the circumstances of the case to be reasonable, and that the expense of providing the supply ought to be paid by the owner or defrayed as private improvement expenses, proceedings may be taken as follows:

(1.) The authority may serve on the owner of the house a notice requiring him, within a time specified in the notice and not exceeding six months from the date of the service thereof, to provide such supply, and to do all such works as may be necessary for that purpose.

41 & 42 Vict., Cap 25.

(2.) If at the expiration of the time so specified the notice is not complied with, the authority may serve on the owner a second notice, informing him that if the requirements of the first notice are not complied with within one month from the date of the service of the second notice, the authority will themselves provide such supply, and that the expense of providing the supply will in that case be payable by the owner or as a private improvement expense.

(3.) If at the expiration of one month from the date of the service of the second notice the requirements of the first notice are not complied with, the authority may, subject as in this Act is mentioned, themselves provide the supply, and for that purpose they may enter upon the premises and execute all such works as appear to them necessary for obtaining a supply of water for the house, and for the purposes of such entry sections 102 and 103 of the Public Health Act, 1875 (*a*), shall apply until the works are completed, in the same manner as if an order of a court of summary jurisdiction had been made for the abatement of a nuisance on the premises, and that order had not been complied with.

38 & 39 Vict. c. 55.

(4.) Any expenses incurred by the authority in providing such supply and doing such works may, when the supply has been provided, be recovered in a summary manner from the owner of the house, or may, at the option of the authority, be declared, by their order, to be private improvement expenses.

(5.) Where the owners of two or more houses have failed to comply with the requirements of the notices served on them under this section, and the authority might, under this Act, execute the necessary works for providing a water supply for each house, the authority may, if it appears to them desirable, and no greater expense would be occasioned thereby, execute works for the joint supply of water to those houses, and apportion the expenses as they deem just.

The authority may, on cause being shown to their satisfaction why the requirements of a notice served by them under this section should not be complied with, withdraw the notice or modify the requirements thereof.

(*a*) As to Nuisances.

Provided that nothing in this section contained shall be deemed to relieve the authority from the duty imposed upon them by the Public Health Act, 1875, of providing their district or any contributory place or part of a contributory place therein with a supply of water in cases where danger arises to the health of the inhabitants from the insufficiency or unwholesomeness of the existing supply, and a general scheme of supply is required, and such supply can be got at a reasonable cost. 41 & 42 Vict., Cap. 25. 38 & 39 Vict c. 55.

Appeal by owner against requirement to provide water supply.

4. Where an owner of a house has been required by the notice of a rural sanitary authority to provide a supply of water for his house, and objects to such requirement on any of the following grounds; that is to say,

(1.) That the supply is not required; or,

(2.) That the time limited by the notice for providing the supply is insufficient; or,

(3.) That it is impracticable to provide the supply at a reasonable cost; or,

(4.) That the authority ought themselves to provide a supply of water for the district or contributory place in which the house is situate, or to render the existing supply of water wholesome; or,

(5.) That the whole or part of the expense of providing the supply, or of rendering the existing supply wholesome, ought to be a charge on the district or contributory place;

he may, within twenty-one days after service on him of the second notice, address a memorial to the authority, stating his objections, and in that case it shall not be lawful for the authority to proceed with the execution of the works which they might otherwise execute under this Act until they have been authorised to execute the same by a court of summary jurisdiction or by the Local Government Board in manner herein-after provided.

If the objections stated in the memorial do not include either the fourth or fifth of the above-mentioned grounds, the authority may apply to a court of summary jurisdiction for an order authorising them to proceed with the works, and thereupon the court shall summon the owner, and, if satisfied on hearing the case that the objections are not well founded, shall make an order authorising the authority to proceed with the works in the event of their not being executed by the owner within a time limited by the order.

If the objections stated in the memorial are or include the fourth and fifth of the above-mentioned grounds, or either of them, the authority shall forward a copy of the memorial to the Local Government Board, who may either

41 & 42 Vict., Cap. 25.

cancel the requirement of the authority, or confirm the same, with or without modifications.

If the Local Government Board confirm the requirement they shall issue an order authorising the authority, subject to such modifications, if any, as they prescribe, to execute the works in the event of such works not being executed by the owner within a time limited by the order.

Any such order may, if the Local Government Board think it equitable so to do, apportion the expense of providing the supply between the owner of the house and the authority of the district comprising the contributory place in which the house is situate, or between the owner and any other person or persons.

If the Local Government Board cancel the requirement on the grounds that the authority ought themselves to provide a supply of water for the district or contributory place in which the house is situate, or to render the existing supply wholesome, the memorial shall be deemed to have been a complaint of default made to the Local Government Board against the authority under the 299th section of the Public Health Act, 1875.

38 & 39 Vict. c. 55.

Appeal against apportionment of expenses.

5. Where the expenses of providing a joint supply of water for two or more houses are apportioned under this Act by a rural sanitary authority among the owners of the several houses, notice of such apportionment shall be forthwith given to each of such owners, and if any owner objects to the apportionment as unjust, he may, within twenty-one days after service on him of notice thereof, apply to a justice, and thereupon the justice may summon the authority, and also the other owners, to show cause before a court of summary jurisdiction why the apportionment should not be varied, and the court may either dismiss the application or make such order varying the apportionment as to the court may appear reasonable.

Houses in rural districts not to be erected or rebuilt without sufficient water supply.

6. It shall not be lawful in any rural district for the owner of any dwelling-house which may be erected after the date of the commencement of this Act, or of any dwelling-house which after that date may be pulled down to or below the ground floor and rebuilt, to occupy the same, or cause or permit the same to be occupied, unless and until he has obtained from the sanitary authority of the district a certificate that there is provided, within a reasonable distance of the house, such an available supply of wholesome water as may appear to such authority, on the report of their inspector of nuisances or of their medical officer of health, to be sufficient for the consumption and use for domestic purposes of the inmates of the house.

If the sanitary authority refuse to grant such certificate, the owner may apply to a court of summary jurisdiction for an order authorising the occupation of the house notwithstanding the refusal of the certificate, and thereupon the court shall summon the authority, and if the court, after hearing the case, is of opinion that the certificate ought to have been granted, the court may make an order authorising the occupation of the house. 41 & 42 Vict., Cap. 25.

Any owner who occupies a house or causes or permits it to be occupied in contravention of this section shall be liable on conviction by a court of summary jurisdiction to a penalty not exceeding ten pounds.

7. It shall be the duty of every rural sanitary authority from time to time to take such steps as may be necessary to ascertain the condition of the water supply within their district, and the authority may pay all reasonable costs and expenses incurred by them for the purpose of taking such steps. The authority, or any of their officers, or any person duly authorised in writing for that purpose by the authority, if they or he have or has reasonable ground for believing that any occupied dwelling-house within the district is without a proper supply of wholesome water, sufficient for the consumption and use for domestic purposes of the inmates of such house, shall be admitted into the premises for which such supply is required or from which the water supply may be derived for the purpose of ascertaining whether or not such house has such a supply within a reasonable distance; and for the purposes of any such admission sections 102 and 103 of the Public Health Act, 1875 (*a*) shall apply in the same manner as if such admission were necessary for the purpose of examining as to the existence of any nuisance on the premises, and the person so authorised as aforesaid were an officer of the rural sanitary authority. Periodical inspections of water supply. 38 & 38 Vict. c. 55.

8. Where application is made to the Local Government Board by a local authority under section 62 of the Public Health Act, 1875, to determine what is a reasonable cost within the meaning of that section, the Board may, for that purpose, fix, by order, a general scale of charges for the whole or any part of the district of the local authority, and the cost of the supply of water to any house within the area specified in the order shall be deemed to be determined to be a reasonable cost within the meaning of that section if it does not exceed the cost authorised by such general scale of charges. Explanation of s. 62, of 38 & 39 Vict, c. 55, as to the meaning of "reasonable cost."

(*a*) As to Nuisances.

41 & 42 Vict., Cap. 25.

Rating for water supply by stand-pipes.

9. Where a rural sanitary authority have provided a stand-pipe or stand-pipes for the supply of water to any portion of their district, they may recover water rates or water rents from the owner or occupier of every dwelling-house within two hundred feet of any such stand-pipe, in the same manner in all respects as if the supply had been given on the premises.

Provided that if any such dwelling-house has, within a reasonable distance, and from other sources, a supply of wholesome water sufficient for the consumption and use of the inmates of the house, no water rate or water rent shall be recoverable from the owner or occupier of the house unless and until the water supplied by the authority by means of such stand-pipes is used by inmates of the house.

Power to require water rates to be levied. 38 & 39 Vict. c. 55.

10. Where a sanitary authority under the provisions of the Public Health Act, 1875, as amended by this Act, supply water in any urban district or in any contributory place, and an application is made to them by any ten persons rated to the relief of the poor in such urban district, or by any five persons so rated in such contributory place, to charge water rates or water rents in respect of the water so supplied, it shall be incumbent upon the authority to exercise the powers given to them by the Public Health Act, 1875, and by this Act, of charging water rates or water rents in respect of all water supplied by them in such urban district or in such contributory place.

Powers of urban sanitary authorities in certain cases.

11. The Local Government Board may, if they think fit, by order, invest any urban sanitary authority with all or any of the powers and duties which are by this Act given to a rural sanitary authority, and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of the district, or manner during at or in which the powers and duties are to be exercised.

Forms in the schedule.

12. The forms contained in the schedule to this Act, or forms to like effect varied as circumstances may require, may be used, and shall be deemed sufficient for all purposes.

Powers of Act cumulative.

13. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom.

The SCHEDULE.

FORM (A.) Sect. 12.

Form of notice requiring Owner to provide a supply of Water for an Occupied House.

To the owner of the house occupied by [*state name of occupier*] and situated at [*give such description as may be sufficient to identify the premises*] within the district of [*describe the local authority*].

Whereas it appears to the above-named [*local authority*] on the report of their [*inspector of nuisances or their medical officer of health as the case may be*] that the said house has not within a reasonable distance an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the house by reason of the existing supply not being [*wholesome or sufficient, or within a reasonable distance, as the case may be*], and that the requisite supply can be provided at a reasonable cost; and whereas the said [*local authority*] are of opinion that such supply ought to be provided at your expense as the owner of the said house, or defrayed as private improvement expenses:

Now, therefore, we, the said [*local authority*], in pursuance of the Public Health (Water) Act, 1878, do hereby require you to provide an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the said house within a reasonable distance from such house, and to do all such works as may be necessary for that purpose within [*state the time*] from the date of the service hereof.

Dated this day of 187 .

(Signed)

Clerk to the said [*local authority*].

FORM (B.) Sect. 12.

Form of Second Notice to be served where Requirements of First Notice have not been complied with.

To the owner of the house occupied by [*state name of occupier*] and situated at [*give such description as may be sufficient to identify the premises*] within the district of [*describe the local authority*].

Whereas on the day of the above-named [*local authority*], in pursuance of the Public Health (Water) Act, 1878, served on you a notice bearing date the day of requiring you as the owner of the said house to provide an available supply of wholesome water sufficient for the consumption and use for domestic purposes of the inmates of the said house within a reasonable distance from such house, and to do all such works as might be necessary for that purpose within [*state the time*] from the date of the service of such notice:

And whereas the said notice has not been complied with: Now, therefore, we, the said [*local authority*], do hereby give you notice that if the requirements of the said first notice dated the day of are not complied with within one month from the date of the service hereof, we [*describe local authority*] will ourselves provide a supply of water for the said house, and do all necessary works for that purpose, and that the cost which may be incurred therein will be recovered from you summarily or be recovered as private improvement expenses.

Dated this day of 187 .

(Signed)

Clerk to the said [*local authority*].

41 & 42 Vict., Cap. 42.

TITHE ACT, 1878.

41 & 42 Vict., Cap. 42. An Act to amend and further extend the Acts for the Commutation of Tithes in England and Wales. (*a*)

[8th August 1878.]

[Preamble repealed by Statute Law Revision Act, 1894.]

Redemption of tithe on land required for public purposes.

1. In all cases where land charged with rentcharge in lieu of tithes is taken for any of the following purposes; that is to say,

* * *

The * * * construction of * * * any gas or water works;

* * *

the person or persons proposing to carry out the abovementioned works, buildings, or improvements shall, as soon as the said person or persons are in possession of the land, and before the land is applied to any of the purposes aforesaid, apply to the Tithe Commissioners to order the redemption of the rentcharge for a sum of money equal to twenty-five times the amount thereof; and the redemption money, with the expenses incident to the redemption, shall be paid to the said Commissioners within a time to be fixed by such order, or within any enlarged time the Commissioners may appoint, and the Commissioners shall apply such redemption money in the manner provided by the said Acts.

[**2.** Application for redemption.]

[**3.** Redemption of tithe not exceeding twenty shillings.]

[**4.** Redemption of tithe exceeding twenty shillings.]

[**5.** Redemption of tithe on divided lands.]

[**6.** Application of existing powers to this Act.]

[**7.** Exchange of annual payment for lands or tithe rentcharge.]

(*a*) Short Title, "The Tithe Act, 1878." See Short Titles Act, 1896, s. 1.

41 & 42 Vict., Cap. 49.

WEIGHTS AND MEASURES ACT, 1878.

41 & 42 Vict., Cap. 49. An Act to consolidate the Law relating to Weights and Measures.

[8th August 1878.]

[Introductory words.]

1. This Act may be cited as the Weights and Measures Act, 1878. Short title.

* * *

33. The Board of Trade shall have all such powers and perform all such duties relative to standards of measure and weight, and to weights and measures, as are by any Act or otherwise vested in or imposed on the Treasury, or the Comptroller-General of the Exchequer, or the Warden of the Standards; and all things done by the Board of Trade, or any of their officers, or at their office, in relation to standards of weights and measures in pursuance of this Act shall be as valid, and have the like effect and consequences, as if the same had been done by the Treasury, or by the Comptroller-General or other officer of the Exchequer, or by the Warden of the Standards, or at the office of the Exchequer. Powers and duties of Board of Trade as to standards of weights and measures, &c.

It shall be the duty of the Board of Trade to conduct all such comparisons, verifications, and other operations with reference to standards of measure and weight, in aid of scientific researches or otherwise, as the Board of Trade from time to time thinks expedient, and to make from time to time a report to Parliament on their proceedings and business under this Act.

* * *

66. (*a*) Nothing in this Act shall affect the validity of the models of gas holders verified and deposited in the standards department of the Board of Trade in pursuance of the Act of the session of the twenty-second and twenty-third years of the reign of Her present Majesty, chapter sixty-six, intituled "An Act for regulating measures used in Saving as to models of gas holders under 22 & 23 Vict. c. 66. (*a*)

(*a*) For application of this section to standards used by local authorities in testing meters under Sale of Gas Act, 1859, see Weights and Measures Act, 1889, s. 15, p. 364.

41 & 42 Vict., Cap. 52.

sales of gas," and of the Acts amending the same, and the provisions of this Act with respect to Board of Trade standards shall apply to such models; and the provisions of this Act with respect to defining the amount of error to be tolerated in local standards when verified or re-verified, shall apply to defining the amount of error to be tolerated in such copies of the said models of gas holders as are provided by any justices council commissioners or other local authority in pursuance of the said Acts.

PUBLIC HEALTH (IRELAND) ACT, 1878.

41 & 42 Vict., Cap. 52. An Act to consolidate and amend the Acts relating to Public Health in Ireland. [8th August 1878.]

[Introductory words.]

Short title.

1. This Act may be cited for all purposes as the Public Health (Ireland) Act, 1878.

[For provisions of this Act corresponding to those of the Public Health Act, 1875, included in this volume, see under that Act, pp. 262-275.]

41 & 42 Vict., Cap. 58.

LOCOMOTIVES AMENDMENT (SCOTLAND) ACT, 1878.

41 & 42 Vict., Cap. 58. An Act for further regulating the use of Locomotives on Highways in Scotland. (*a*) [16th August 1878.]

[Introductory words]

Short title.

1. This Act may be cited as the Locomotives Amendment (Scotland) Act, 1878.

Application and duration of Act.

2. This Act shall apply to Scotland only, and shall remain in force so long only as the Locomotive Act, 1865 (*b*), continues in force. (*c*)

Weight of locomotives and construction of wheels. 24 & 25 Vict. c. 70. 28 & 29 Vict. c. 83.

3. * * * (*d*) It shall not be lawful to use on any highway a locomotive constructed otherwise than in accordance with the following provisions; (that is to say,)

(1.) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons; and

(2.) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased; but in such case the width of such tires shall not be less than fourteen inches; and

(3.) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as hereinafter provided; and

(*a*) For exemption of certain light locomotives from application of this Act, see Locomotives on Highways Act, 1896, s. 1, p. 446.

(*b*) The Locomotives Act, 1865. See s. 13 thereof, p. 179.

(*c*) For continuance of Locomotives Act, 1865, in force till 31st December, 1902, see note (*b*), p. 178.

(*d*) Words omitted repealed by Statute Law Revision Act, 1894, s. 1. As to non-revival of enactments repealed by such words, see Interpretation Act, 1889, ss. 11 (1), p. 369, and 38 (2) (*a*), p. 376.

41 & 42 Vict., Cap. 58.

(4.) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal cross-bars of not less than three inches in width nor more than three quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such cross-bar shall not exceed three inches. (*a*)

(5.) The exact and true weight of a locomotive, including necessary water and coals, shall be legibly written in letters of not less than one inch in length, and affixed to some conspicuous part of the locomotive.

The owner of any locomotive used contrary to the foregoing provisions shall for every such offence be liable to a fine not exceeding five pounds: Provided that the road authority of any county or burgh may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any highway within the areas respectively above mentioned, or part of any such highway, under such conditions (if any) as to them may appear desirable: Provided also, that sub-section (2.) of this section shall not apply to any engines in use at the time of the passing of this Act, the owner of which notifies in writing, within six calendar months of the passing of this Act, to the road authority of the county or burgh in which such engine is in use that it was in use at that time.

* * *

Recovery and application of penalties.

8. All penalties under this Act may be recovered, together with the expenses of process, at the instance of the procurator fiscal, or of the clerk of the road authority, as the case may be, upon the testimony of one or more credible witnesses, before the sheriff or any justice of the peace of the county or magistrate of the burgh, as the case may be, in which the same shall have been incurred, under the provisions of the Summary Procedure Act, 1864; and all the jurisdictions, powers, and authorities necessary for this purpose are hereby conferred on sheriffs and justices of the peace, and magistrates of burghs, and their decision shall be final, save only that the provisions of the Summary Prosecution Appeals (Scotland) Act, 1875, shall apply to the same.

27 & 28 Vict. c. 53.

38 & 39 Vict. c. 62.

Every prosecution shall be begun within six calendar months after the penalty shall have been incurred and not afterwards.

(*a*) The requirements of sub-section (4) may be from time to time varied by order of the Secretary for Scotland. See Locomotives on Highways Act, 1896, ss. 9, 10, p. 447.

Every penalty imposed and recovered under this Act shall be paid to the clerk of court, and by him shall be accounted for and paid to the treasurer of the road authority, as the sheriff or justice of the peace or magistrate shall direct. 41 & 42 Vict., Cap. 58.

Every penalty imposed by this Act may be reduced or mitigated according to the judgment of the sheriff or justice of the peace or magistrate.

Every person found liable in any penalty recoverable under this Act shall, failing payment thereof, immediate or within a specified time, as the case may be, and expenses, be liable to be imprisoned for a term not exceeding sixty days; and the conviction and warrant may be in the form No. 3 of Schedule K. of the Summary Procedure Act, 1864. 27 & 28 Vict. c. 53.

9. In this Act the following words and expressions shall have the meanings hereby assigned to them respectively, unless there be something in the subject or context repugnant to such construction: Interpretation of terms.

* * *

[Definition of Secretary of State (omitted), repealed by Statute Law Revision Act, 1894.]

"County" shall mean the county, exclusive of any burgh wholly or partly situated therein, and shall not include a county of a city:

"Burgh" shall have the same meaning as it has in the Act of Parliament, as the case may be, regulating the management of the highway to which it is sought to apply the provisions of this Act:

"Road authority of a county" means, as respects counties in which tolls have been abolished or are not eligible, the trustees acting under the Roads and Bridges (Scotland) Act, 1878, or under the Local Act for the county, as the case may be, and as regards other counties, the justices of the peace of the county in general or quarter sessions assembled: 41 & 42 Vict. c. 81.

"Road authority of a burgh" means the authority having the management of the highway within the burgh to which it is sought to apply the provisions of this Act:

"Highway" means and includes any road, street, or bridge maintained out of public funds derived from tolls or assessments or other sources of revenue.

41 & 42 Vict., Cap. 76.

TELEGRAPH ACT, 1878.

41 & 42 Vict., Cap. 76. An Act to make further provision respecting the Post Office Telegraphs. (*a*) [16th August 1878.]

[Introductory words.]

Short title.

1. This Act may be cited as the Telegraph Act, 1878.

Definitions.

2. In the construction of this Act, unless there is something inconsistent in the context, words and expressions shall have the same meanings as in the Telegraph Act, 1863, and in addition thereto—

The expressions "street" (*b*) and "public road" (*b*) shall respectively include any highway:

The expression "Act of Parliament" (*b*) means any Act of Parliament whether public general, local and personal, or private, and includes the order confirmed by any such Act, * * *

26 & 27 Vict. c. 112. 29 & 30 Vict. c. 3. 31 & 32 Vict. c. 110. 32 & 33 Vict. c. 73. 33 & 34 Vict. c. 88.

The expression "Telegraph Acts" includes the Telegraph Act, 1863, the Telegraph Act Amendment Act, 1866, the Telegraph Act, 1868, the Telegraph Act, 1869, the Telegraph Act, 1870, this Act and any Acts or parts of Acts incorporated with such Acts or referred to therein, any or either of them, and such several Acts may be cited together as the Telegraph Acts, 1863 to 1878:

The expression "undertaking" means the works or undertaking of whatever nature the execution of which is authorised by an Act of Parliament as above defined:

The expression "undertakers" means the parties, whether company, commissioners, trustees, corporations, or private persons, empowered by an Act of Parliament as above defined to execute an undertaking, and any lessee or tenant thereof:

The expression "telegraphic line" means telegraphs, posts, and any work (within the meaning of the Telegraph Act, 1863) and also any cables, apparatus, pneumatic or other tube, pipe, or thing whatsoever used for the purpose of transmitting telegraphic messages or maintaining telegraphic communication,

(*a*) For extension of this Act to the Isle of Man, see Telegraphs (Isle of Man) Act, 1889, s. 2.

(*b*) For extensions of meanings, see Telegraph Act, 1892, s. 3; Light Railways Act, 1896, s. 25; and Public Health (Scotland) Act, 1897, s. 145 (15).

and includes any portion of a telegraphic line as defined by this Act: 41 & 42 Vict., Cap. 76.

The expressions "alteration," "alter," and "altering" in respect of a telegraphic line, include the substitution of any new line or portion of a line, either in the same place or in some other place, also any removal of or other dealing with any telegraphic line or any part of such line.

* * *

Provision as to work done in pursuance of special Acts of Parliament which involves alteration in telegraphic line. (a)

7. Where any work proposed to be done in the execution of an undertaking authorised by an Act of Parliament involves or is likely to involve an alteration either temporarily or permanently in any telegraphic line of the Postmaster General, and provision is not otherwise made by enactment, agreement, or otherwise with respect to such alteration or to giving notice to the Postmaster General thereof or to the expenses of or incidental thereto, the following enactments shall apply:

(1.) The undertakers or their agents shall give to the Postmaster General not less than seven nor more than fourteen days previous notice of the time and place at which the work will be begun and the nature of the alteration required:

(2.) Before the expiration of seven days after the notice is given the Postmaster General may give the undertakers or their agents a counter-notice either stating his intention himself to make, or requiring the undertakers to make under the supervision and to the satisfaction of himself or his agents, such alteration in the telegraphic line as he deems necessary or expedient to be made in consequence of the proposed work:

(3.) If the Postmaster General by his counter-notice states that it is his intention himself to make such alteration, it shall be lawful for such Postmaster General by himself or his agents to make the same, and the undertakers or their agents shall pay to the Postmaster General all the expenses incurred by him of and incidental thereto, and the amount of any loss or damage sustained by him in consequence thereof:

(4.) If the Postmaster General by his counter-notice requires the undertakers or their agents to make such alteration, the undertakers or their agents shall, at their own expense, make the same under

(a) For application of this provision to gas and water undertakings, see the final paragraph of the section, p. 323.

41 & 42 Vict., Cap. 76.

the supervision and to the reasonable satisfaction of the Postmaster General or his agents, and the said undertakers shall pay to the Postmaster General all the expenses incurred by him of and incidental to such supervision, also the amount of any loss or damage sustained by him in consequence of the alteration:

(5.) If the Postmaster General fails to give a counter-notice, or if having undertaken himself to make the alteration he or his agents should fail to make within a reasonable time the alteration, the undertakers or their agents may themselves make the alteration to the reasonable satisfaction of the Postmaster General or his agents:

(6.) If any undertakers or their agents fail to serve on the Postmaster General such notice as is required by this section with respect to any work, or begin to do the work specified in a notice served under this section before the experiation of seven days after the notice is given, they shall be liable to pay a fine not exceeding ten pounds for every day during which they continue such work without the sanction in writing of the Postmaster General, and the Postmaster General may at the expense of the undertakers remove such work:

(7.) If any undertakers or their agents fail to comply with the reasonable requirements of the Postmaster General or his agents under this section, they shall be liable to a fine not exceeding ten pounds for every day during which such failure continues, or if the telegraphic communication is interrupted, not exceeding fifty pounds for every day on which such interruption continues:

(8.) Provided that nothing in this section shall subject any undertakers or their agents to a fine for omitting to comply with any requirements of the Postmaster General or his agents, or for executing without previous notice any work if they satisfy the court having cognizance of the case that any such requirement was unreasonable or that the immediate execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the work was done a notice of the execution thereof, stating the reason for executing the same without previous notice:

And where under section eight of the Telegraph Act, 1863, any body to or by whom any such pipe as in that section mentioned belongs or is used require that the position of any telegraphic line of the Postmaster General or any part thereof should be altered, the enactments of the present section shall apply, and for such purposes any such body shall be deemed to be "undertakers." 41 & 42 Vict., Cap. 76.

Compensation and fine for injury to telegraphic line of the Postmaster General and for interruption to telegraphic communication.

8. Where any undertakers, body, or person, by themselves or by their agents, destroy or injure any telegraphic line of the Postmaster General, such undertakers, body, or person shall not only be liable to pay to the Postmaster General such expenses (if any) as he may incur in making good the said destruction or injury, but also, if the telegraphic communication is carelessly or wilfully interrupted, shall be liable to a fine not exceeding twenty pounds per day for every day during which such interruption continues.

Where the undertakers, body, or person liable to pay such daily fine as aforesaid to the Postmaster General are not authorised to execute such works as may be required for remedying the interruption, the interruption shall be deemed to continue either for the time during which it actually continues or for such less time as in the opinion of the court having cognizance of the case would have been sufficient for remedying the interruption by the Postmaster General.

The Postmaster General may, instead of taking proceedings for the recovery of such daily fine as aforesaid, proceed for the recovery of a fine not exceeding fifty pounds, to which the undertakers, body, or person shall be liable on summary conviction.

An act done to a telegraphic line in the course of work undertaken by any undertakers, body, or person in the legal exercise of a right shall not be deemed to be wilful destruction of or injury to such telegraphic line, if due notice of the intended exercise of such right has been given to the Postmaster General, that is to say, the notice required to be given in pursuance of any Act of Parliament or agreement, or where there is no Act of Parliament or agreement requiring such notice, fourteen clear days notice.

This section shall be deemed to be in addition to and not in derogation of any other power or means which the Postmaster General may have of recovering damages in respect of any such destruction or injury as in this section mentioned under any other Act of Parliament or at common law or otherwise, provided that he shall not pro-

41 & 42 Vict., Cap. 76.

ceed under this Act and under any other Act or law in respect of the same destruction or injury.

Penalty for obstruction.

9. Where any undertakers; body, or person or their agents obstruct the Postmaster General or his agents in placing, maintaining, altering, examining, or repairing any telegraphic line in pursuance of this Act, or of any consent given in pursuance of this Act, or in supervising or directing any alteration in any telegraphic line made by any undertakers or their agents in pursuance of this Act, such undertakers, bodies, or persons and agents respectively shall for every act of obstruction be liable to a fine not exceeding ten pounds, or in case such obstruction continues, ten pounds for every day during which the same continues.

Prosecution of offences.

10. All fines and penalties under any of the Telegraph Acts may be recovered by the Postmaster General in manner provided by the Summary Jurisdiction Acts before a court of summary jurisdiction, and for the purposes of this Act—

* * *

[Sub-section (1.) repealed by Statute Law Revision Act, 1894.]

(2.) The expression "court of summary jurisdiction" means—

as respects England, any justice of the peace or other magistrate or officer to whom jurisdiction is given by the Summary Jurisdiction Acts, so, however, that any case arising under any of the Telegraph Acts shall be heard and determined either by two or more justices of the peace in petty sessions sitting at a court or other place appointed for holding petty sessions, or by some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace; and

as respects Scotland, means any sheriff or sheriff substitute; and

as respects Ireland, means any justice or justices or other magistrate, by whatever name called, having jurisdiction under the Summary Jurisdiction Acts.

All fines and penalties recovered in pursuance of any of the Telegraph Acts shall be paid into the Exchequer.

Provision as to Postmaster General.

11. * * * Any legal proceeding may be instituted by the Postmaster General for any of the purposes of any of the Telegraph Acts in the name of Her Majesty's Post-

master General, * * * and shall not abate or be discontinued by reason of any change in the person who is Postmaster General, but may be carried on as if Her Majesty's Postmaster General * * * were a body corporate; and where any sum is due or payable to the Postmaster General under any of the Telegraph Acts, or any contract, agreement, or regulations made in pursuance or for any of the purposes of those Acts or any of them, the Postmaster General may recover the same as a debt in any court and in any manner in which it might be recovered if it were a debt due to a private person. 41 & 42 Vict., Cap. 76.

[Words omitted from s. 11, repealed by Statute Law Revision Act, 1894.]

Printing, authentication, and service of notices and other documents.

12. A notice under this Act may be in writing or print, or partly in writing and partly in print.

Any notice, appointment, direction, or document given, issued, or made for the purposes of this Act by the Postmaster General shall be sufficiently authenticated if purporting to be signed by a secretary or assistant secretary of the Post Office, or by a superintending engineer of the Postmaster General, or by an officer appointed for the purpose by the Postmaster General, and when so authenticated shall be deemed to be given, issued, or made by the Postmaster General.

Where a notice is given by any undertakers, body, or person, the notice shall be sufficiently authenticated if purporting to be signed by the chairman, secretary, clerk, or other officer of such undertakers, body, or person.

A notice required to be given under this Act to the Postmaster General may be given by leaving the same at or by forwarding the same by post to the General Post Office in a letter addressed to the Postmaster General or to the Secretary of the Post Office, or to an assistant secretary of the Post Office, or by delivering the same to or forwarding the same by post in a letter addressed to the superintending engineer of the Postmaster General for the district in which is the work, telegraphic line, or other matter referred to in the notice and addressed to him at his office or usual place of abode.

A notice required to be given under this Act to any undertakers or body may be given by leaving the same at or by forwarding the same by post to the office, or where there is more than one office the principal office of such undertakers or body in a letter addressed to such undertakers or body, or to their chairman, secretary, clerk, or other officer.

A notice required to be given under this Act to any person may be given by delivering the same to such person

41 & 42 Vict., Cap. 76.

or by leaving the same at or forwarding the same by post in a letter addressed to such person at his usual or last known place of abode.

Where a notice is forwarded by post it shall be deemed to have been given at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving the giving thereof it shall be sufficient to prove that the same was properly addressed and put into the post.

The expression "notice" in this section shall be deemed to include a counter-notice.

* * *

41 & 42 Vict., Cap. 77.

HIGHWAYS AND LOCOMOTIVES (AMENDMENT) ACT, 1878.

41 & 42 Vict., Cap. 77. An Act to amend the Law relating to Highways in England and the Acts relating to Locomotives on Roads; and for other purposes. (*a*) [16th August 1878.]

[Preamble repealed by Statute Law Revision Act, 1894.]

Preliminary.

Short title.

1. This Act may be cited as the Highways and Locomotives (Amendment) Act, 1878.

Application of Act. (*a*)

2. This Act shall not apply to Scotland or Ireland; and, save as is by this Act expressly provided, Part I. of this Act shall not apply * * * to any part of the Metropolis; * * *

[Words omitted from s. 2 repealed by Statute Law Revision Act, 1898. See also Local Government Act, 1888, ss. 12, 13.]

PART I.—AMENDMENT OF HIGHWAY LAW.

* * *

Extraordinary Traffic.

Power of road authority to recover expenses of extraordinary traffic. (*b*)

23. Where by a certificate of their surveyor it appears to the authority which is liable or has undertaken to repair any highway, whether a main road or not, that, having regard to the average expense of repairing highways in the neighbourhood, extraordinary expenses have been incurred by such authority in repairing such highway by reason of the damage caused by excessive weight passing along the same, or extraordinary traffic thereon, such authority may recover [in a summary manner] (*b*) from any person [by whose order] (*b*) such weight or traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have been incurred by such authority by reason of the damage arising from such weight or traffic as aforesaid.

(*a*) For exemption of certain light locomotives from application of this Act, see Locomotives on Highways Act, 1896, s. 1, p. 446.

(*b*) For amendment of s. 23, as regards words within brackets, see Locomotives Act, 1898, s. 12, p. 475.

41 & 42 Vict., Cap. 77.

Provided that any person against whom expenses are or may be recoverable under this section may enter into an agreement with such authority as is mentioned in this section for the payment to them of a composition in respect of such weight or traffic, and thereupon the persons so paying the same shall not be subject to any proceedings under this section.

* * *

PART II.—Amendment of Locomotive Acts, 1861 and 1865.

Weight of locomotives and construction of wheels. 24 & 25 Vict. c. 70. 28 & 29 Vict. c. 83.

28. * * * (*a*) It shall not be lawful to use on any * * * (*b*) highway a locomotive constructed otherwise than in accordance with the following provisions; (that is to say,)

(1.) A locomotive not drawing any carriage, and not exceeding in weight three tons, shall have the tires of the wheels thereof not less than three inches in width, with an additional inch for every ton or fraction of a ton above the first three tons; and

(2.) A locomotive drawing any waggon or carriage shall have the tires of the driving wheels thereof not less than two inches in width for every ton in weight of the locomotive, unless the diameter of such wheels shall exceed five feet, when the width of the tires may be reduced in the same proportion as the diameter of the wheels is increased, but in such case the width of such tires shall not be less than fourteen inches; and

(3.) A locomotive shall not exceed nine feet in width or fourteen tons in weight, except as herein-after provided; and

(4.) (*c*) The driving wheels of a locomotive shall be cylindrical and smooth-soled, or shod with diagonal cross-bars of not less than three inches in width nor more than three quarters of an inch in thickness, extending the full breadth of the tire, and the space intervening between each such cross-bar shall not exceed three inches.

The owner of any locomotive used contrary to the foregoing provisions shall for every such offence be liable

(*a*) (*b*) Words omitted repealed by Statute Law Revision Acts, viz. (*a*) 1894, (*b*) 1898. As to non-revival of enactments repealed by the repealing portion of such words, see Interpretation Act, 1889, ss. 11. (1.), p 369, and 38. (2.) (*a*.), p. 376.

(*c*) The requirements of sub-section (4) may be from time to time varied by order of the Local Government Board. See Locomotives on Highways Act, 1896, s. 9, p. 447.

to a fine not exceeding five pounds: Provided that the mayor, aldermen, and commons in the city of London, and the Metropolitan Board of Works (*a*) in the metropolis, exclusive of the city of London, and the council of any borough which has a separate court of quarter sessions, and the county authority of any county, may, on the application of the owner of any locomotive exceeding nine feet in width or fourteen tons in weight, authorise such locomotive to be used on any * * * (*b*) highway within the areas respectively above mentioned, or part of any such * * * (*b*) highway, under such conditions (if any) as to them may appear desirable. Provided also, that the owner of a locomotive used contrary to the provisions of subsection two of this section shall not be deemed guilty of an offence under this section if he proves to the satisfaction of the court having cognizance of the case that such locomotive was constructed before the passing of this Act, and that the tires of the wheels thereof are not less than nine inches in width.

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* * *

33. This part of this Act shall remain in force so long only as the Locomotive Act, 1865 (*c*), continues in force. (*d*)

Duration of Part II. of Act. 28 & 29 Vict., c. 83.

* * *

PART III.—PROCEDURE AND DEFINITIONS.

36. All offences, fines, and expenses under this Act, or any byelaw made in pursuance of this Act, may be prosecuted, enforced, and recovered before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Recovery of penalties and expenses.

* * * (*e*)

The expression "court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts: Provided that the court, when hearing and determining an information or complaint under this Act, shall be constituted either of two or more justices of the peace in petty sessions, sitting at a

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

(*b*) Words omitted repealed by Statute Law Revision Act, 1898.

(*c*) The Locomotives Act, 1865. See s. 13 thereof, p. 179.

(*d*) For continuance of Locomotives Act, 1865, in force till 31st December, 1902, see note (*b*) to s. 1 thereof, p. 178.

(*e*) Definition of Summary Jurisdiction Acts, omitted, repealed by Statute Law Revision Act, 1894.]

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place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Form of appeal to quarter sessions.

37. If any party thinks himself aggrieved by any conviction or order made by a court of summary jurisdiction on determining any information or complaint under this Act, the party so aggrieved may appeal therefrom * * * (*a*) to the next practicable court of quarter sessions. * * * (*a*)

Interpretation. 25 & 26 Vict. c. 61. 27 & 28 Vict. c. 101.

38. In this Act—

"County" has the same meaning as it has in the Highway Acts, 1862 and 1864, except that every liberty not being assessable to the county rate of the county or counties within which it is locally situate shall, for the purposes of this Act other than those relating to the formation and alteration of highway districts, and the transfer of the powers of a highway board, be deemed to be a separate county:

"County authority" means the justices of a county in general or quarter sessions assembled: (*b*)

"Borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the "regulation of municipal corporations in England and Wales," and the Acts amending the same: (*c*)

* * *

18 & 19 Vict. c. 120.

"The metropolis" means the parishes and places mentioned in the Schedules A., B., and C., annexed to the Metropolis Management Act, 1855, and any parish to which such Act may be extended by Order in Council in manner in the said Act provided; also the city of London and the liberties of the said city:

"Quarter sessions" includes general sessions:

* * *

"Locomotive" means a locomotive propelled by steam or by other than animal power:

"Person" includes a body of persons corporate or unincorporate.

(*a*) Words omitted repealed by Summary Jurisdiction Act, 1884, s. 4.

(*b*) For transfer to county council of powers vested by this Act in county authority, see Local Government Act, 1888, s. 3. (viii), p. 361.

(*c*) Repealed by Municipal Corporations Act, 1882, s. 5. Reference now deemed to be to that Act. See s. 242 (1) thereof.

42 & 43 Vict., Cap. 47.

PETROLEUM ACT, 1879.

42 & 43 Vict., Cap. 47. An Act to continue and amend the Petroleum Act, 1871.

[11th August 1879.]

[Introductory words.]

1. This Act may be cited as the Petroleum Act, 1879. This Act shall be construed as one with the Petroleum Act, 1871, and together with that Act may be cited as the Petroleum Acts, 1871 and 1879. Short title, and construction of Act. 34 & 35 Vict. c. 105.

2. * * * Alteration of test.

In the Petroleum Act, 1871, the term "petroleum to which this Act applies" shall mean such of the petroleum defined by section three of that Act as, when tested in manner set forth in Schedule One to this Act, gives off an inflammable vapour at a temperature of less than seventy-three degrees of Fahrenheit's thermometer. 34 & 35 Vict. c. 105.

Every reference in the Petroleum Act, 1871, to Schedule One to that Act shall be construed to refer to Schedule One to this Act. 34 & 35 Vict. c. 105.

[Words omitted from s. 2 repealed by Statute Law Revision Act, 1894.]

3. A model of the apparatus for testing petroleum, as described in Schedule One to this Act, shall be deposited with the Board of Trade, and the Board of Trade shall, on payment of such fee, not exceeding five shillings, as they from time to time prescribe, cause to be compared with such model and verified every apparatus constructed in accordance with Schedule One to this Act which is submitted to them for the purpose, and if the same is found correct shall stamp the same with a mark approved of by the Board and notified in the London Gazette. Verification of test apparatus.

An apparatus for testing petroleum purporting to be stamped with the said mark shall, until the contrary is proved, be deemed to have been verified by the Board of Trade.

All fees under this section shall be paid into the Exchequer.

[**4-6** repealed by Statute Law Revision Act, 1894. As to non-revival of part of Petroleum Act, 1871, repealed by s. 6, see Interpretation Act, 1889, ss. 11. (1.), p. 369, and 38 (2) (*a*), p. 376.

42 & 43 Vict., Cap. 47.

FIRST SCHEDULE.

MODE OF TESTING PETROLEUM SO AS TO ASCERTAIN THE TEMPERATURE AT WHICH IT WILL GIVE OFF INFLAMMABLE VAPOUR.

SPECIFICATION OF THE TEST APPARATUS.

The following is a description of the details of the apparatus:

The oil cup consists of a cylindrical vessel 2″ diameter, $2\frac{2}{10}$″ height (internal), with outward projecting rim $\frac{5}{10}$″ wide, $\frac{3}{8}$″ from the top, and $1\frac{1}{8}$″ from the bottom of the cup. It is made of gun metal or brass (17 B.W.G.) tinned inside. A bracket, consisting of a short stout piece of wire bent upwards and terminating in a point, is fixed to the inside of the cup to serve as a gauge. The distance of the point from the bottom of the cup is $1\frac{1}{2}$″. The cup is provided with a close-fitting overlapping cover made of brass (22 B.W.G.), which carries the thermometer and test lamp. The latter is suspended from two supports from the side by means of trunnions upon which it may be made to oscillate; it is provided with a spout, the mouth of which is one-sixteenth of an inch in diameter. The socket which is to hold the thermometer is fixed at such an angle and its length is so adjusted that the bulb of the thermometer when inserted to its full depth shall be $1\frac{1}{2}$″ below the centre of the lid.

The cover is provided with three square holes, one in the centre, $\frac{5}{10}$″ by $\frac{4}{10}$″, and two smaller ones, $\frac{3}{10}$″ by $\frac{2}{10}$″, close to the sides and opposite each other. These three holes may be closed and uncovered by means of a slide moving in grooves, and having perforations corresponding to those on the lid.

In moving the slide so as to uncover the holes, the oscillating lamp is caught by a pin fixed in the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. Upon the slide being pushed back so as to cover the holes, the lamp returns to its original position.

Upon the cover, in front of and in line with the mouth of the lamp, is fixed a white bead, the dimensions of which represent the size of the test flame to be used.

The bath or heated vessel consists of two flat-bottomed copper cylinders (24 B.W.G.), an inner one of 3″ diameter and $2\frac{1}{2}$″ height, and an outer one of $5\frac{1}{2}$″ diameter and $5\frac{3}{4}$″ height; they are soldered to a circular copper plate (20 B.W.G.) perforated in the centre, which forms the top of the bath, in such a manner as to enclose the space between the two cylinders, but leaving access to the inner cylinder. The top of the bath projects both outwards and inwards about $\frac{3}{8}$″; that is, its diameter is about $\frac{6}{8}$″ greater than that of the body of the bath, while the diameter of the circular opening in the centre is about the same amount less than that of the inner copper cylinder. To the inner projection of the top is fastened, by six small screws, a flat ring of ebonite, the screws being sunk below the surface of the ebonite, to avoid metallic contact between the bath and the oil cup. The exact distance between the sides and bottom of the bath and of the oil lamp is one-half of an inch. A split socket similar to that on the cover of the oil cup, but set at a right angle, allows a thermometer to be inserted into the space between the two cylinders. The bath is further provided with a funnel, an overflow pipe, and two loop handles.

The bath rests upon a cast-iron tripod stand, to the ring of which is attached a copper cylinder or jacket (24 B.W.G.) flanged at the top, and of such dimensions that the bath, while firmly resting on the iron ring, just touches with its projecting top the inward-turned flange. The diameter of this outer jacket is 6½". One of the three legs of the stand serves as support for the spirit lamp attached to it by means of a small swing bracket. The distance of the wick holder from the bottom of the bath is 1".

Two thermometers are provided with the apparatus, the one for ascertaining the temperature of the bath, the other for determining the flashing point. The thermometer for ascertaining the temperature of the water has a long bulb and a space at the top. Its range is from about 90° to 190° Fahrenheit. The scale (in degrees of Fahrenheit) is marked on an ivory back fastened to the tube in the usual way. It is fitted with a metal collar, fitting the socket, and the part of the tube below the scale should have a length of about 3½" measured from the lower end of the scale to the end of the bulb. The thermometer for ascertaining the temperature of the oil is fitted with collar and ivory scale in a similar manner to the one described. It has a round bulb, a space at the top, and ranges from about 55° F. to 150° F.; it measures from end of ivory back to bulb 2¼".

NOTE.—A model apparatus is deposited at the Weights and Measures Department of the Board of Trade.

DIRECTIONS FOR APPLYING THE FLASHING TEST.

1. The test apparatus is to be placed for use in a position where it is not exposed to currents of air or draughts.

2. The heating vessel or water bath is filled by pouring water into the funnel until it begins to flow out at the spout of the vessel. The temperature of the water at the commencement of the test is to be 130° Fahrenheit, and this is attained in the first instance either by mixing hot and cold water in the bath, or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or by heating the water with the spirit lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

If the water has been heated too highly, it is easily reduced to 130° by pouring in cold water little by little (to replace a portion of the warm water) until the thermometer gives the proper reading.

When a test has been completed, this water bath is again raised to 130° by placing the lamp underneath, and the result is readily obtained while the petroleum cup is being emptied, cooled, and refilled with a fresh sample to be tested. The lamp is then turned on its swivel from under the apparatus, and the next test is proceeded with.

3. The test lamp is prepared for use by fitting it with a piece of flat plaited candle wick, and filling it with colza or rape oil up to the lower edge of the opening of the spout or wick tube. The lamp is trimmed so that when lighted it gives a flame of about 0·15 of an inch diameter, and this size of flame which is represented by the projecting white bead on the cover of the oil cup is readily maintained by simple manipulation from time to time with a small wire trimmer.

When gas is available it may be conveniently used in place of the little oil lamp, and for this purpose a test-flame arrangement for use with gas may be substituted for the lamp.

4. The bath having been raised to the proper temperature, the oil to be tested is introduced into the petroleum cup, being poured

42 & 43 Vict., Cap. 47.

in slowly until the level of the liquid just reaches the point of the gauge which is fixed in the cup. In warm weather the temperature of the room in which the samples to be tested have been kept should be observed in the first instance, and if it exceeds 65° the samples to be tested should be cooled down (to about 60°) by immersing the bottles containing them in cold water, or by any other convenient method. The lid of the cup, with the slide closed, is then put on, and the cup is placed into the bath or heating vessel. The thermometer in the lid of the cup has been adjusted so as to have its bulb just immersed in the liquid, and its position is not under any circumstances to be altered. When the cup has been placed in the proper position, the scale of the thermometer faces the operator.

5. The test lamp is then placed in position upon the lid of the cup, the lead line or pendulum, which has been fixed in a convenient position in front of the operator, is set in motion, and the rise of the thermometer in the petroleum cup is watched. When the temperature has reached about 66° the operation of testing is to be commenced, the test-flame being applied once for every rise of one degree, in the following manner :—

The slide is slowly drawn open while the pendulum performs three oscillations, and is closed during the fourth oscillation.

NOTE.—If it is desired to employ the test apparatus to determine the flashing points of oil of very low volatility, the mode of proceeding is to be modified as follows :—

The air-chamber which surrounds the cup is filled with cold water, to a depth of $1\frac{1}{2}$ inches, and the heating vessel or water bath is filled as usual, but also with cold water. The lamp is then placed under the apparatus and kept there during the entire operation. If a very heavy oil is being dealt with, the operation may be commenced with water previously heated to 120°, instead of with cold water.

[Second schedule repealed by Statute Law Revision Act, 1894.]

43 & 44 Vict., Cap. 181.

GASLIGHT AND COKE AND OTHER GAS COMPANIES ACTS AMENDMENT ACT, 1880.

43 & 44 Vict., Cap. 181. An Act to make further provision for regulating the supply of gas by the Gaslight and Coke Company, the Commercial Gas Company, and the South Metropolitan Gas Company, and to amend the Acts relating to the said Companies. [26th August 1880.]

Whereas by the Gaslight and Coke Company Act, 1876, the Commercial Gas Act, 1875, and the South Metropolitan Gaslight and Coke Company's Act, 1876, further provisions were made for regulating the supply of gas within the limits within which the said companies were respectively authorised to supply gas, and the said companies were respectively made liable in certain cases to the forfeitures fixed by the said Acts respectively: 39 & 40 Vict. c. ccxxv. 38 & 39 Vict. c. cc. 39 & 40 Vict. c. ccxix.

And whereas it is expedient to amend the provisions of the said Acts respectively with respect to the testing of the gas supplied by the said companies respectively, and with respect to such forfeitures as aforesaid, and in other respects as by this Act provided:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows; (that is to say,)

1. This Act may be cited for all purposes as the Gaslight and Coke and other Gas Companies Acts Amendment Act, 1880. Short title.

2. In this Act— Interpretation of expressions.

The expression "the city" means the city of London and the liberties thereof:

43 & 44 Vict., Cap. 181.

The expression "the corporation" means the mayor, aldermen, and commons of the city of London in common council assembled:

The expression "the Metropolitan Board" means the Metropolitan Board of Works: (*a*)

The expression "the special Act," in relation to any of the companies to which this Act applies, means and includes any and every Act of Parliament relating exclusively to such company, and so much of any and every other Act of Parliament as affects such company:

The expression "the district," in relation to any of the companies to which this Act applies, means the area within the limits of this Act in which such company is for the time being authorised to supply gas:

The expression "testing place" shall mean a testing place prescribed and certified by the gas referees:

The expression "the controlling authority," in relation to any place in the city, means the corporation, and in relation to any other place within the limits of this Act means the Metropolitan Board. (*a*)

Limits of Act. 18 & 19 Vict. c. 120.

3. This Act shall not be in force in any place beyond the limits of the metropolis as such limits are defined by the Metropolis Management Act, 1855.

Application of Act.

4. This Act shall extend and apply to the companies following; (that is to say,)

The Gaslight and Coke Company;

The Commercial Gas Company; and

The South Metropolitan Gas Company;

and throughout the districts of the said companies and for the purposes of its application throughout any one of such districts the expression "the Company" shall be construed to mean such one of the said companies as is for the time being authorised to supply gas in such district, and the expression "the gas referees," "the chief gas examiner," and "gas examiner" shall respectively have the meanings assigned to the same expressions in the special Act of such company, and the special Act of such company, as amended by this Act, and this Act shall be construed together as one Act.

Power to gas referees to

5. The gas referees shall from time to time, after giving notice to the controlling authority, visit the testing

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

places and examine the apparatus for the purpose of ascertaining that it is kept in good and proper repair and working order.

visit testing places.

6. The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the pressure at which gas is supplied by the Company, and a gas examiner shall in the mode so prescribed test the pressure at which gas is supplied at such hour and in such street or part of a street as the controlling authority may from time to time by an order in writing appoint, and within three days of the receipt of such order.

Mode and times of testing pressure of gas.

7. A gas examiner shall at each testing place make daily such number of tests as the gas referees may prescribe for ascertaining whether during the whole of each day the illuminating power and purity of the gas supplied at such testing place by the Company are such as are respectively prescribed under the special Act. Provided that the tests for illuminating power shall be taken at intervals of not less than one hour.

Daily testing for illuminating power and purity.

And in the event of the gas being ascertained to be defective in any such particular, such examiner shall forthwith give notice thereof to the Company.

8. The average of all the testings at any testing place on each day of the illuminating power of the gas supplied by the Company, at such testing place shall be deemed to represent the illuminating power of such gas on that day at such testing place.

What shall be deemed illuminating power for each day.

9. The average of all the testings at any testing place on any day of the purity of the gas supplied by the Company at such testing place shall be deemed to represent the purity of such gas on that day at such testing place.

Average of testings of purity.

Provided always, that if on any one day the gas supplied by the Company at such testing place is of less purity than it ought to be under the special Act, the average of all the testings made at such testing place on that day and on the preceding and on the following day shall be deemed to represent the purity of such gas on such one day at such testing place.

10. The Company may, if they think fit, on each occasion of the testing at any testing place of the illuminating power, purity, and pressure of the gas supplied by them, be represented by some officer, but such officer shall not interfere in the testing, and the controlling authority shall state at what times it is proposed to make such testings on any particular day upon receiving a re-

Company may be represented at testings.

43 & 44 Vict., Cap. 181.

quest in writing from the Company in the forenoon of the previous day.

Daily reports and access to books.

11. Each gas examiner shall on each day make and deliver a report of the result of the testings of the gas supplied by the Company conducted by him on the immediately preceding day to the controlling authority, to the gas referees, to the chief gas examiner, and to the Company, and the books kept by a gas examiner for recording the results of the testing of such gas by him shall be open at all reasonable times to the inspection of the Company without payment.

Appeal to chief gas examiner.

12. If the Company think themselves aggrieved by any report of a gas examiner they may, within seven days after the day on which that report is delivered to the Company, appeal to the chief gas examiner, whose decision after hearing the parties shall be final and conclusive, and the chief gas examiner shall forthwith report every such decision to the controlling authority and to the Company.

If in any case the Company do not appeal as aforesaid the report of the gas examiner shall be final and conclusive.

Quarterly report of chief gas examiner.

13. Within one week after the end of each quarter of a year the chief gas examiner shall make a report to the controlling authority and to the Company on the results of the daily testings made in that quarter, and shall state therein with respect to gas supplied by the Company in that quarter—

(1.) The illuminating power on each day at each testing place.

(2.) The amount of impurity in each form on each day at each testing place.

(3.) The results of each testing of pressure.

Forfeiture for defect of power.

14. If on any day the gas supplied by the Company at any testing place is of less illuminating power than it ought to be under the special Act, the Company shall be liable to the following forfeitures:

For the first half of a candle of defective power, forty shillings; and

For the first and every subsequent candle of defective power, a sum not less than twenty-five pounds and not exceeding one hundred pounds, having regard to the relative quantities of gas manufactured by the respective companies.

Provided always, that the controlling authority of any testing place having recovered one forfeiture in respect of

defective illuminating power in the gas supplied by the Company at one testing place on any day shall not be entitled to any further forfeiture in respect of defective illuminating power in the gas supplied by the Company at any other testing place of such controlling authority on the same day.

Forfeiture for excess of impurity.

15. If on any day the gas supplied by the Company at any testing place is of less purity than it ought to be the Company shall forfeit a sum not exceeding fifty pounds for each occasion on which they are so in default.

Provided always, that the controlling authority of any testing place having recovered one forfeiture in respect of excess of impurity in the gas supplied by the Company at one testing place on any day shall not be entitled to any further forfeiture in respect of excess of impurity in the gas supplied by the Company at any other testing place of such controlling authority on the same day; and provided also, that the average of the testings made at such testing place on that day and on the preceding and on the following day shall be deemed to represent the purity of such gas on such one day at such testing place.

Forfeiture for insufficiency of pressure.

16. If at any time during any period between midnight and sunset, or during any period between sunset and midnight, the gas supplied by the Company is supplied at a pressure less than it ought to be under the special Act, the Company shall in each case forfeit a sum not exceeding ten pounds.

Provided always, that the controlling authority having recovered one forfeiture in respect of insufficiency of pressure in the gas supplied by the Company during any period of twenty-four hours shall not be entitled to any further forfeiture in respect of insufficiency of pressure in the gas supplied by the Company during the same period.

Saving for unavoidable accident.

17. No forfeiture shall be incurred in any case with respect to which it is certified by the chief gas examiner that the defect of illuminating power, excess of impurity, or insufficiency of pressure was occasioned by an unavoidable cause or accident.

Evidence of liability to forfeiture.

18. The report of the chief gas examiner on appeal, or the report of a gas examiner after the time for appeal has elapsed and no appeal has been brought, showing a case of defective illuminating power, excessive impurity in, or insufficient pressure of the gas supplied by the Company, shall be conclusive evidence of the liability of the Company to a forfeiture in respect thereof, and every forfeiture under this Act shall be leviable by distress, and on

43 & 44 Vict., Cap. 181.

proof of any such report before a magistrate at any time within one month after the date of the report, such magistrate shall issue his warrant of distress accordingly.

Forfeiture and losses from fraud, &c.

19. Every such forfeiture, and any loss arising from fraud of the servants of the Company which the auditor (appointed as in the special Act provided) shall certify has arisen from want of due diligence on the part of the directors, shall be borne and paid to the satisfaction of such auditor exclusively by and out of the divisible profits of the Company, and by way of reduction of dividend.

Recovery of forfeitures, &c. 23 & 24 Vict. c. 125.

20. Every forfeiture imposed by this Act shall be recovered, applied, and appropriated in the manner provided by sections forty-six and fifty-three of the Metropolis Gas Act, 1860, and the said sections shall be read and construed as applying to forfeitures and the recovery thereof, and otherwise in relation thereto under this Act, as if such forfeitures were penalties under the Metropolis Gas Act, 1860.

Repeal of Acts to the extent specified in Schedule.

21. From and after the passing of this Act the Acts specified in the first column of the Schedule to this Act annexed shall within the limits of this Act be and the same are hereby repealed to the extent specified in the second column of that Schedule. Provided that this repeal shall not affect—

(*a.*) The past operation of any enactment hereby repealed, nor anything done or suffered under any enactment hereby repealed;

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed;

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence or default committed against any enactment hereby repealed; nor

(*d.*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

Expenses of Act.

22. All costs, charges, and expenses preliminary to and of and incidental to the preparing of, obtaining, and passing of this Act shall be paid by the Corporation out of their corporate funds, and by the Metropolitan Board as expenses incurred by them in the execution of the Metropolis Management Act, 1855, in such proportions as the Board of Trade may by writing signed by a Secretary or an Assistant Secretary of the said Board order and direct.

43 & 44 Vict., Cap. 181.

SCHEDULE

SETTING FORTH THE ENACTMENTS REPEALED BY THE FOREGOING ACT.

Acts.	Extent of Repeal.
The Gaslight and Coke Company Act, 1876.	So much of sections 27 and 34 as relates to the pressure of gas; and Sections 40 to 56, both inclusive.
The Commercial Gas Act, 1875.	In section 32 the following words "one such place being prescribed for every station from which gas is supplied in the district supplied from such station," and so much of the said section and of section 26 as relates to the pressure of the gas, and Sections 37 to 51, both inclusive.
The South Metropolitan Gaslight and Coke Company's Act, 1876.	So much of sections 28 and 35 as relates to the pressure of the gas; and Sections 41 to 56, both inclusive.

44 & 45 Vict., Cap. 37.

ALKALI, &c. WORKS REGULATION ACT, 1881.

44 & 45 Vict., Cap. 37. An Act to consolidate the Alkali Acts, 1863 and 1874, and to make further provision for regulating Alkali and certain other works in which noxious or offensive gases are evolved. [11th August 1881.]

[Introductory words.]

PRELIMINARY.

Short title.

1. This Act may be cited as the Alkali, &c. Works Regulation Act, 1881.

[**2.** Commencement of Act. Repealed by Statute Law Revision Act, 1894.]

PART I.

[**3-7.** Alkali Works and Alkali Waste.]

PART II.

Sulphuric Acid Works and other specified Works.

Condensation of acid gases in sulphuric acid works.

8. Every sulphuric acid work as defined in the schedule to this Act shall be carried on in such manner as to secure the condensation, to the satisfaction of the chief inspector, derived from his own examination or from that of some other inspector, of the acid gases of sulphur and nitrogen which are evolved in the process of the manufacture of sulphuric acid in such work, to such an extent that the total acidity of such gases in each cubic foot of air, smoke, or gases escaping into the chimney or into the atmosphere does not exceed what is equivalent to four grains of sulphuric anhydride.

The owner of any sulphuric acid work which is carried on in contravention of this section shall be liable to a fine not exceeding, in the case of the first offence, fifty pounds, and in the case of every subsequent offence, one hundred pounds.

Best practicable means

9. The owner of any work specified in the schedule to this Act (herein-after referred to as a scheduled work)

shall use the best practicable means for preventing the discharge into the atmosphere of all noxious gases and of all offensive gases evolved in such work, or for rendering such gases harmless and inoffensive when discharged, subject to the qualification, in the case of sulphuric acid works, that no objection shall be taken under this section by an inspector to any discharge of gas by a chimney or flue, on the basis of the amount of acid gas per cubic foot of air smoke or gases, where that amount does not exceed the amount limited by the last preceding section.

44 & 45 Vict., Cap. 37.

to be used for preventing discharge of noxious and offensive gases in scheduled works.

If the owner of any such work fails, in the opinion of the court having cognizance of the matter, to use such means, he shall be liable to a fine not exceeding, in the case of the first offence, twenty pounds, and in the case of every subsequent offence, fifty pounds, with a further sum not exceeding five pounds for every day during which any such subsequent offence has continued.

[**10.** Provisional Order to prevent discharge of certain gases in salt works.]

PART III.

(i.) *Registration of Works.*

Registration of works, and stamp duty.

11.—(1.) An alkali work or a work to which Part II. of this Act applies shall not * * * (*a*) be carried on unless it is certified to be registered. (*b*)

(2.) The work shall be registered in a register containing the prescribed particulars, and the register shall be conducted and the certificates issued in the prescribed manner.

(3.) The owner of an alkali work or of a work required to be registered shall in the month of January or February in every year apply for a certificate of registration in the prescribed manner, and on such application and compliance with the conditions as to registration the certificate shall be issued, and shall be in force for one year from the first day of April following the said application.

(4.) The owner of an alkali work or of a work required to be registered erected after the commencement of this Act shall before commencing any manufacture or process in such work apply for such certificate in the prescribed manner, and on such application and

(*a*) Words omitted repealed by Statute LawRevision Act, 1894.

(*b*) Application for registration must be made, on the prescribed form, to the Local Government Board, to whom the annual duty of £3, payable in respect of works other than Alkali Works, as provided at the end of sub-section (4) of this section, must be paid.

44 & 45 Vict., Cap. 37

compliance with the conditions as to registration the certificate shall be issued as soon as may be, and shall be in force until the next first day of April.

There shall be charged in respect of every such certificate, in the case of an alkali work, the duty of five pounds; and in the case of a work required to be registered, not being an alkali work, the duty of three pounds.

(5.) Written notice of any change which occurs in the ownership of a work or in the other particulars stated in the register shall within one month after such change be sent by the owner to an inspector, and the register and the certificate shall be altered accordingly in the prescribed manner without charge and without the issue of a new certificate. If such notice is not sent as so required the work shall not be deemed to be certified to be registered.

(6.) The owner of a work which is carried on in contravention of this section shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding five pounds for every day during which it is so carried on.

Certificate of inspector prior to registrations of new works.

12. An alkali work or a scheduled work, erected after the commencement of this Act, or which has been closed for a period of twelve months, shall not be registered under this Act unless the work is furnished with such appliances as at the time of registration appear to the chief inspector after his own examination, or that of an inspector, or in case of difference to the central authority, to be necessary in order to enable the work to be carried on in accordance with such requirements of this Act as for the time being apply to such work.

Supplemental provisions as to duties.

13. The duties charged in respect of a certificate of registration under this Act shall be stamp duties under the management of the Commissioners of Inland Revenue, and all the Acts relating to stamp duties, particularly those relating to forgery fraudulent dies and other offences in connexion with stamp duties, shall apply accordingly; and for the purpose of the said duties the Commissioners of Inland Revenue shall issue stamped forms of certificate, and the Commissioners may issue the same at any time after the passing of this Act.

(ii.) *Inspection.*

[**14.** Appointment of inspectors. (Amended by Statute Law Revision Act, 1894.)]

[**15.** Disqualification of certain persons for inspectors.]

44 & 45 Vict., Cap. 37

Powers of inspectors

16. For the purpose of the execution of this Act, an inspector may at all reasonable times by day and night, without giving previous notice, but so as not to interrupt the process of the manufacture, enter and inspect any work to which this Act applies, and examine any process causing the evolution of any noxious or offensive gas, and any apparatus for condensing any such gas, or otherwise preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, and may ascertain the quantity of gas discharged into the atmosphere, condensed, or otherwise dealt with; and may enter and inspect any place where alkali waste is treated or deposited, or where any liquid containing acid is likely to come into contact with alkali waste; and generally may inquire into all matters and processes which tend to show compliance or non-compliance with such of the provisions of this Act as are for the time being applicable to the work or place entered, or which seem necessary or proper for the execution of his duties under this Act.

An inspector may, but so as not to interrupt the process of the manufacture, apply any tests and make any experiments he may think proper for the purpose of the execution of his duties under this Act.

Facilities for inspection.

17. The owner of any work to which this Act applies shall, on the demand of the chief inspector, furnish him within a reasonable time with a plan, to be kept secret, of those parts of such work in which any process causing the evolution of any noxious or offensive gas, or any process for the condensation of such gas or preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless or inoffensive when discharged, is carried on.

The owner of every such work and his agents shall render to every inspector all necessary facilities for an entry inspection examination and testing in pursuance of this Act.

Every owner of a work in which such facilities are not afforded to an inspector as are required by this Act, or in which an inspector is obstructed in the execution of his duty under this Act, and every person wilfully obstructing an inspector in the execution of his duty under this Act, shall be deemed guilty of an offence against this Act, and shall be liable to a fine not exceeding ten pounds.

[**18.** Annual report to Local Government Board.]

[**19.** Additional inspector on application of sanitary authorities. (Amended by Statute Law Revision Act, 1894.)]

44 & 45 Vict., Cap. 37.

(iii.) *Special Rules.*

Power of owners of works to make special rules.

20. The owner of an alkali work or of a scheduled work may, with the sanction of the central authority, make, and when made, alter add to and repeal special rules for the guidance of his workmen who are employed in any process causing the evolution of any noxious or offensive gas, or whose duty it is to attend to the apparatus used in the condensation of that gas, or for preventing the discharge thereof into the atmosphere, or for rendering any such gas harmless and inoffensive when discharged, and may annex fines to any violation of such rules, so that the fine for any offence do not exceed two pounds.

[Notice of special rules to persons employed.]

A printed copy of the special rules in force under this section in any work shall be given by the owner of that work to every person working or employed in or about that work who is affected thereby.

Any fine incurred under this Act in respect of an offence against a special rule may be recovered summarily.

(iv.) *Procedure.*

Provision as to calculation of acid.

21. In calculating the proportion of acid to a cubic foot of air, smoke, or gases, for the purposes of this Act, such air, smoke, or gases, shall be calculated at the temperature of sixty degrees of Fahrenheit's thermometer, and at a barometric pressure of thirty inches.

[**22.** Recovery of fines for offences against Act in county court.

[**23.** Further provisions as to recovery of fines in county court.]

[**24.** Application of fines.]

Discharge of owner on conviction of actual offender.

25. The owner of a work in which an offence under this Act other than an offence against a special rule has been proved to have been committed shall in every case be deemed to have committed the offence, and shall be liable to pay the fine, unless he proves to the satisfaction of the court before which any proceeding is instituted to recover such fine, that he has used due diligence to comply with and to enforce the execution of this Act, and that the offence in question was committed by some agent servant or workman, whom he shall charge by name as the actual offender, without his knowledge consent or connivance; in which case such agent servant or workman shall be liable to pay the fine, and proceedings may be taken against him for the recovery thereof and of the costs of all proceedings which may be taken either against himself or against the owner under this Act:

Provided that it shall be lawful for the inspector to proceed in the first instance against the person whom he believes to be the actual offender, without first proceeding against the owner, in any case in which it is made to appear to the satisfaction of such inspector that the owner has used all due diligence to comply with and to enforce the execution of this Act, and that the offence has been committed by the person whom he may charge therewith without the knowledge consent or connivance of the owner, and in contravention of his orders. 44 & 45 Vict., Cap. 37.

Service of notices.

26. Any notice summons or other document under this Act, may be in writing or print, or partly in writing and partly in print.

Any notice summons or document required or authorised for the purposes of this Act to be delivered to or served on or sent to the owner of any work, may be served by delivering the same to the owner, or at his residence or works; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and the same shall be deemed to be properly addressed if addressed to the registered address of an owner, or, when required to be served on or sent to the owner of any works, if addressed to the owner of the works at the works, with the addition of the proper postal address, but without naming the person who is the owner.

Complaint by sanitary authority in cases of nuisance.

27. Where it appears to any sanitary authority, on the written representation of any of their officers, or of any ten inhabitants of their district, that any work (either within or without the district) to which this Act applies is carried on in contravention of this Act, or that any alkali waste is deposited (either within or without the district) in contravention of this Act, and that a nuisance is occasioned by such contravention to any of the inhabitants of their district, such authority may complain to the central authority, who shall make such inquiry into the matters complained of, and after the inquiry may direct such proceedings to be taken by an inspector as they think just.

The sanitary authority complaining shall, if so required by the central authority, pay the expense of any such inquiry, and may pay the same out of the fund or rate applicable to the general expenses of such authority.

The expression "sanitary authority" in this section in-

44 & 45 Vict., Cap 37.

cludes as regards the Metropolis, except the City of London, any vestry or district board elected under the Metropolis Management Act, 1855, also any local board of health, not being an urban sanitary authority within the meaning of the Public Health Act, 1875, and as regards the City of London shall mean the Commissioners of Sewers (*a*) of the said city.

18 & 19 Vict. c. 120.

38 & 39 Vict. c. 55.

Actions in case of contributory nuisance.

28. Where a nuisance arising from any noxious or offensive gas or gases is wholly or partially caused by the acts or defaults of several persons, any person injured by such nuisance may proceed against any one or more of such persons, and may recover damages from each person made a defendant in proportion to the extent of the contribution of such defendant to the nuisance, notwithstanding that the act or default of such defendant would not separately have caused a nuisance. This section shall not apply to any defendant who can produce a certificate from the chief inspector that in the works of such defendant the requirements of this Act have been complied with and were complied with when the nuisance arose.

(v.) *Definitions; Repeal; Saving.*

Interpretation of terms.

29. In this Act, unless the context otherwise requires—

* * *

"Noxious or offensive gas" does not include sulphurous acid arising from the combustion of coal.

"Owner" means the lessee, occupier, or any other person carrying on any work to which this Act applies.

"Prescribed" means prescribed from time to time by the Local Government Board, and "the Local Government Board" means the Local Government Board established by the Local Government Board Act, 1871.

34 & 35 Vict c. 70.

"Central authority" means as regards England the said Local Government Board, as regards Ireland the Local Government Board for Ireland, and as regards Scotland one of Her Majesty's Principal Secretaries of State. (*b*)

"Sanitary authority" means any local authority entrusted with the execution of the Public Health Act.

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

(*b*) Now Secretary for Scotland. See Secretary for Scotland Act, 1885, s. 5.

"The Public Health Act" means, as regards England, the Public Health Act 1875; and as regards Scotland, the Public Health (Scotland) Act 1867; and as regards Ireland, the Public Health (Ireland) Act 1878. 44 & 45 Vict., Cap 37. 38 & 39 Vict. c. 55.

"Person" includes a corporation. 30 & 31 Vict. c. 101.

[**30.** Repeal of former Acts. Repealed by Statute Law Revision Act, 1894. See, however, Interpretation Act, 1889, ss. 11 (1), p. 369, and 38 (2) (*a*), p. 376.] 41 & 42 Vict. c. 52.

31. Nothing in this Act shall legalise any act or default that would, but for this Act, be deemed to be a nuisance, or otherwise be contrary to law, or deprive any person of any remedy by action indictment or otherwise, to which he would have been entitled if this Act had not passed. Saving as to general law.

SCHEDULE.

List of Works. (*a*)

(1.) Sulphuric acid works, that is to say, any works in which the manufacture of sulphuric acid is carried on (not being alkali works within the meaning of the foregoing Act, and not being works in which the manufacture of sulphuric acid is carried on in conjunction with the extraction of copper or other metals from ore);

* * *

(3.) Gas liquor works, that is to say, any works in which gas liquor is used in any manufacturing process;

(4.) Nitric acid works, that is to say, any works in which the manufacture of nitric acid is carried on;

(5.) Sulphate of ammonia works and muriate of ammonia works, that is to say, any works in which the manufacture of sulphate of ammonia or of muriate of ammonia is carried on;

* * *

(*a*) For addition of tar works to those specified in this Schedule, see Alkali, &c. Works Regulation Act, 1892, s. 1, p. 394.

45 & 46 Vict., Cap. 56.

ELECTRIC LIGHTING ACT, 1882.

45 & 46 Vict., Cap. 56. An Act to facilitate and regulate the supply of Electricity for Lighting and other purposes in Great Britain and Ireland.

[18th August 1882.]

[Introductory words.]

Short title.

1. This Act may be cited for all purposes as the Electric Lighting Act, 1882.

Application of Act.

2. The provisions of this Act shall apply to every local authority, company, or person who may by this Act or any license or provisional order granted under this Act, or by any special Act to be hereafter passed, be authorised to supply electricity within any area (in this Act referred to as "the undertakers") and to every undertaking so authorised, except so far as may be expressly provided by any such special Act; and every such license, provisional order, and special Act, is in this Act included in the expression "license, order, or special Act."

* * *

Regulations to be inserted in licenses, &c. (*a*)

6. The undertakers shall be subject to such regulations and conditions as may be inserted in any license, order, or special Act affecting their undertaking with regard to the following matters:

(a.) The limits within which and the conditions under which a supply of electricity is to be compulsory or permissive;

(b.) The securing a regular and efficient supply of electricity;

(c.) The securing the safety of the public from personal injury, or from fire or otherwise;

(d.) The limitation of the prices to be charged in respect of the supply of electricity;

(e.) The authorising inspection and inquiry from time to time by the Board of Trade and the local authority;

(f.) The enforcement of the due performance of the duties of the undertakers in relation to the supply of electricity by the imposition of penalties or otherwise, and the revocation of the license, order or special Act where the undertakers have, in

(*a*) For Board of Trade Regulations, see Appendix E, pp. 595-597.

the opinion of the Board of Trade, practically failed to carry the powers granted to them into effect within a reasonable time, or discontinued the exercise of such powers; and 45 & 46 Vict., Cap. 56.

(*g.*) Generally with regard to any other matters in connexion with the undertakings.

Provided always, that the Board of Trade may, from time to time, make such regulations as they may think expedient for securing the safety of the public from personal injury or from fire or otherwise (*a*), and may from to time amend or repeal any regulations which may be contained in any such license, order, or special Act in relation thereto; and any regulations so made or amended by the Board of Trade shall, from and after the date thereof, have the like effect in every respect as though they had been originally inserted in the license, order, or special Act authorising the undertaking, and every regulation so repealed shall, from and after the date thereof, be repealed accordingly, but such repeal shall not affect any liability or penalty incurred in respect thereof prior to the date of such repeal or any proceeding or remedy which might have been had in relation thereto.

[Bye laws by local authority.]

Any local authority within any part of whose district electricity is authorised to be supplied under any license, order, or special Act may, in addition to any regulations which may be made under the preceding provisions of this section for securing the safety of the public, from time to time make, rescind, alter, or repeal byelaws for further securing such safety; and there may be annexed to any breach of such byelaws such penalties to be recovered in a summary manner as they may think necessary: Provided always, that no such byelaws shall have any force or effect unless and until they have been confirmed by the Board of Trade and published in such manner as the Board of Trade may direct.

* * *

Incorporation of certain provisions of Clauses Consolidation Acts. 10 & 11 Vict. c. 15

12. The provisions of the following Acts shall be incorporated with this Act; that is to say,

* * *

(2.) The provisions of the Gasworks Clauses Act, 1847, with respect to breaking up streets for the purpose of laying pipes, and with respect to waste or misuse of the gas or injury to the pipes and other works, except so much thereof as relates to the use of any burner other than such as has been provided or approved of by the undertakers; and

* * *

(*a*) For Regulations, see Appendix E, pp. 595-597.

45 & 46 Vict., Cap. 56.

For the purposes of this Act, in the construction of all the enactments incorporated by this section "the special Act" means this Act inclusive of any license, order, or special Act; and the "promoters" or "undertakers," and "the undertaking," as the case may be, mean the undertakers and the undertaking respectively under this Act.

* * *

In the construction of the said Gasworks Clauses Act, 1847, and the Gasworks Clauses Act, 1871, the said Acts shall be construed as if "gas" meant "electricity," and as if "pipe" meant electric line, and "works" meant "works" as defined by this Act, and as if "the limits of the special Act" meant the area within which the undertakers are authorised to supply electricity under any license, order, or special Act.

* * *

Power to undertakers to alter position of pipes and wires.

15. Subject to the provisions of this Act and of the license, order, or special Act authorising them to supply electricity, and to any byelaws made under this Act, the undertakers may alter the position of any pipes or wires being under any street or place authorised to be broken up by them which may interfere with the exercise of their powers under this Act on previously making or securing such compensation to the owners of such pipes or wires, and on complying with such conditions as to the mode of making such alterations as may before the commencement of such alterations be agreed upon between the undertakers and owners, or in case of difference as may be determined in manner prescribed by the license or provisional order authorising the undertakers to supply electricity, or where no such manner is prescribed as may be determined by arbitration, and any local or other public authority, company, or person may in like manner alter the position of any electric lines or works of the undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in such local or other public authority, company, or person in relation to such street or place, subject to the like provisions, conditions, and restrictions as are in this section contained with reference to the alteration of the position of any pipes or wires by the undertakers.

* * *

Compensation for damage.

17. In the exercise of the powers in relation to the execution of works given them under this Act, or any

license, order, or special Act, the undertakers shall cause as little detriment and inconvenience and do as little damage as may be, and shall make full compensation to all bodies and persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation in case of difference to be determined by arbitration. 45 & 46 Vict., Cap. 56.

* * *

28. Where any matter is by this Act, or any license, order, or special Act, directed to be determined by arbitration, such matter shall, except as otherwise expressly provided, be determined by an engineer or other fit person to be nominated as arbitrator by the Board of Trade on the application of either party, and the expenses of the arbitration shall be borne and paid as the arbitrator directs. Arbitration.

Any license or provisional order granted under this Act shall be deemed to be a special Act within the meaning of the Board of Trade Arbitrations, &c., Act, 1874. 37 & 38 Vict. c. 40.

29. Where a supply of electricity is authorised in any area by any license, order, or special Act, and a supply of gas by any gas undertakers is also authorised within such area or any part thereof by any provisional order or special Act under the provisions of which such gas undertakers are under any general or limited obligation to supply gas upon demand, the Board of Trade may, upon the application of such gas undertakers, inquire into the circumstances of the case, and if they are satisfied that any specified part of such area is sufficiently supplied with electric light, and that the supply of gas in such specified part has ceased to be remunerative to the gas undertakers, and that it is just that such gas undertakers should be relieved from the obligation to supply gas upon demand as aforesaid, the Board of Trade may in their discretion make an order relieving the gas undertakers from such obligation, within such specified part of such area, either wholly or in part, and upon such terms and conditions as they may think proper; and from and after the date of such order such gas undertakers shall be so relieved accordingly. All expenses of the Board of Trade in connexion with any such inquiry or order shall be borne and paid by the gas undertakers upon whose application the inquiry or order was made. Power for Board of Trade to relieve gas undertakers from obligation to supply gas in certain cases.

30. Not later than the first day of July in each year the Board of Trade shall lay before both Houses of Parlia- Annual report by Board of Trade.

45 & 46 Vict., Cap. 56.

ment a report respecting the applications to and proceedings of the Board of Trade under this Act during the year then last past.

* * *

Interpretation.

32. In this Act, unless the context otherwise requires—

The expression "electricity" means electricity, electric current, or any like agency:

* * *

The expression "works" means and includes electric lines, also any buildings, machinery, engines, works, matters, or things of whatever description required to supply electricity and to carry into effect the object of the undertakers under this Act:

The expression "company" means any body of persons corporate or unincorporate:

* * *

The expression "street" includes any square, court, or alley, highway, lane, road, thoroughfare, or public passage, or place, within the area in which the undertakers are authorised to supply electricity by this Act or any license, order, or special Act:

* * *

Provision as to general Acts.

34. Nothing in this Act shall exempt the undertakers or their undertaking from the provisions of any general Act relating to the supply of electricity which may be passed in this or any future session of Parliament.

* * *

Application of Act to Scotland.

36. This Act shall apply to Scotland * * *

* * *

Application of Act to Ireland.

37. This Act shall apply to Ireland * * *

46 & 47 Vict., Cap. 37.

PUBLIC HEALTH ACT, 1875, (SUPPORT OF SEWERS,) AMENDMENT ACT, 1883.

46 & 47 Vict., Cap. 37. An Act to amend the Public Health Act, 1875, and to make provision with respect to the support of public sewers and sewage works in mining districts. (*a*)

[25th August 1883.]

[Introductory words.]

Short title and construction.

1. This Act may be cited as the Public Health Act, 1875, (Support of Sewers,) Amendment Act, 1883, and shall be construed as one with the Public Health Act, 1875, (in this Act called the Principal Act,) as amended by the Acts for the time being in force amending the same.

Interpretation.

2. In this Act,—

The expression "sanitary work" means any existing or future building or work constructed by or vested in or under the control of a local authority under the powers or for the purposes of so much of the Principal Act or of any General or Local Act or Provisional Order as relates to the construction or maintenance of any works of sewerage, drainage, sewage disposal, lighting, or water supply, and includes any fixtures, pipes, fittings, or apparatus connected with any such work, and belonging to or used by the local authority:

The expression "support" includes vertical and lateral support:

The expression "Sanitary Act" means the Act or Provisional Order under the authority of which a sanitary work has been or is constructed or is maintained, whether such Act or Order was passed and confirmed before or after the commencement of this Act:

The expression "person" includes a body corporate.

Application of provisions of the

3. The provisions of the Waterworks Clauses Act, 1847, sections eighteen to twenty-seven (both inclusive),

(*a*) By the Public Health (London) Act, 1891, s. 102, the provisions of this Act, except so far as superseded by that Act, were extended to the parish of Woolwich, but, by s. 35. (2.) of the London Government Act, 1899, such s. 102 was repealed.

46 & 47 Vict., Cap. 37.

with respect to mines, shall, in relation to any sanitary work of a local authority, be deemed to be incorporated with this Act and with the Sanitary Act under the authority of which such sanitary work has been or is constructed or is maintained, with the following modifications (that is to say):—

Waterworks Clauses Act, 1847, 10 & 11 Vict. c. 17, with respect to mines, to sanitary works over mines.

(1.) For the purposes of such incorporation the said provisions of the Waterworks Clauses Act, 1847, shall be construed as if the expression "the undertakers" referred to the local authority, and as if the expression "the Special Act" referred to such Sanitary Act and this Act, and as if expressions relating to pipes, conduits, or other works referred to the sanitary work:

(2.) The local authority, by or with any notice under the Waterworks Clauses Act, 1847, of willingness to treat for or make compensation, or of intention to prevent or interfere with the working of any mines, may specify and define the nature and extent of support which they require to be left, and any such notice may extend to minerals beyond the distance of forty yards mentioned in the said Act or to such less distance as the local authority think fit:

(3.) As regards sanitary works existing at the passing of this Act the local authority shall cause the survey and map referred to in section nineteen of the Waterworks Clauses Act, 1847, to be made within twelve months after the passing of this Act:

(4.) The amount of any compensation in respect of support for a sanitary work payable by a local authority under the provisions of the Waterworks Clauses Act, 1847, as incorporated with this Act or the Sanitary Act, together with the costs of and incident to settling the same by arbitration or otherwise, shall be paid, charged, and borne in the same manner, and subject to the same powers and provisions as to borrowing and otherwise, as is provided with respect to the expenses of the construction or maintenance of the sanitary work by the Sanitary Act:

(5.) A local authority may from time to time make agreements with the owners, lessees, or occupiers of or the persons working any mine for compromising any claim made or to be made in respect of anything done or omitted before the passing of this Act in relation to the matters in

this Act mentioned or otherwise for carrying into effect the purposes of this Act in relation to the past or future working of mines. 46 & 47 Vict., Cap. 37

The provisions of this Act shall apply to every sanitary work as defined in this Act, whether the land on, in, over, or under which such work is situate is or is not vested in or occupied by the local authority, and is or is not wholly or partially dedicated to the public as a street, highway, or public place.

Limitation of right to support for sanitary works over mines.

4. Except as in this Act provided, a local authority shall not by reason only of anything contained in the Sanitary Act under the authority of which a sanitary work has been or is constructed or maintained be deemed to have acquired or to be entitled to or to be bound to acquire or make compensation for any right of support for such sanitary work as against any person owning or working or being lessee or occupier of or entitled to work or otherwise interested in any mine; and nothing in such Sanitary Act shall be deemed to have subjected or to subject any such person to any liability to the local authority in respect of damage to a sanitary work caused in or consequent upon the working of any mines in a reasonable and proper manner.

Savings.

5. Nothing in this Act shall be construed to repeal, invalidate, or affect any express enactment in a Sanitary or other Act with respect to rights of support for sanitary works, or any agreement made before the passing of this Act with respect to such rights, or to affect any action, arbitration, or other legal proceedings concluded before or pending at the passing of this Act.

Where any right of support has been acquired before the passing of this Act by a local authority in respect of any sanitary work, and no compensation is at the passing of this Act recoverable in respect of such right, nothing in this Act shall be construed to apply to the work in respect of which such right has been acquired, or operate to deprive the local authority of such right or to entitle any person to any compensation in respect thereof, to which such person would not have been entitled if this Act had not been passed.

48 & 49 Vict., Cap. 34.

WATER RATE DEFINITION ACT, 1885.

48 & 49 Vict., Cap. 34. An Act to declare and explain the sixty-eighth section of the Waterworks Clauses Act, 1847. [31st July 1885.]

[Preamble repealed by Statute Law Revision Act, 1898.]

Explanation of 10 & 11 Vict. c. 17. s. 68.

1. The words "the annual value of the tenement supplied with water" in the sixty-eighth section of the Waterworks Clauses Act, 1847 (*a*), shall, within the unions and parishes to which the Valuation of Property (Metropolis) Act, 1869, extends, mean the rateable value as settled from time to time by the local authority as duly constituted: Provided that where the water rate is chargeable on the annual value of a part only of any hereditament entered in the valuation list, such annual value shall be a fairly apportioned part of the rateable value of the whole tenement, ascertained as aforesaid, the apportionment in case of dispute to be determined in manner provided by the said section.

Construction of Act.

2. The Waterworks Clauses Act, 1847, and this Act shall, for the purposes of this Act, be construed together as one Act, and the provisions of this Act shall to that extent be held to repeal and supersede such of the provisions of that Act as are inconsistent with this Act.

Short title.

3. This Act may be cited for all purposes as the Water Rate Definition Act, 1885.

(*a*) Page 76.

50 & 51 Vict., Cap. 21.

WATER COMPANIES (REGULATION OF POWERS) ACT, 1887.

50 & 51 Vict., Cap. 21. An Act to limit the Powers of the Water Companies to cut off the Tenants Water Supply where the rate is paid by the landlord. [8th August 1887.]

[Preamble.]

Short title.

1. This Act may be cited as the Water Companies (Regulation of Powers) Act, 1887.

Extent of Act.

2. This Act shall not extend to Scotland or Ireland.

Application of Act.

3. This Act shall apply to every water company which is a trading company supplying water for profit, and to which any of the provisions of the Waterworks Clauses Act, 1847, have been or shall be made applicable by any special Act or Provisional Order confirmed by Parliament, and every such special Act and Provisional Order shall be deemed to be amended by this Act, and shall be construed accordingly.

Water not to be cut off where the water rate is payable by the owner.

4. Where the owner and not the occupier is liable by law or by agreement with the water company to the payment of the water rate in respect of any dwelling-house or part of a dwelling-house occupied as a separate tenement, no water company shall cut off the water supply for non-payment of the water rate, but such water rate, without prejudice to the other remedies of the company for enforcing payment thereof from such owner, shall, together with interest thereon at the rate of five pounds per centum per annum, computed from the expiration of one month from the time when the same has been claimed by the company until receipt thereof by the company, be a charge on such dwelling-house in priority to all other charges affecting the premises; and (without prejudice to such charge) the amount may be recovered, with the costs incurred, from the owner or from the occupier for the time being in the same manner as water rates may by law be recovered: Provided always, that proceedings shall not be taken against the occupier until notice shall have been

50 & 51 Vict., Cap. 21

given to him or left at his dwelling-house to pay the amount due for water rate out of the rent then due or that may thereafter become due from him, and he shall have omitted so to pay such water rate; and provided also, that no greater sum shall be recovered at any one time from any such occupier than the amount of rent owing by him, or which shall have accrued due from him since such notice shall have been given or left as aforesaid, and that every such occupier shall be entitled to deduct from the rent payable by him the sum so recovered from him or which he shall have paid on demand.

Penalty on cutting off of supply in contravention of the Act.

5. In the event of any such supply being cut off in contravention of this Act, the company cutting off the same shall be liable to a penalty not exceeding five pounds for each day during which the water shall remain cut off, which penalty shall be recoverable summarily from the company by, and shall be paid to, the person aggrieved.

51 & 52 Vict., Cap. 41.

LOCAL GOVERNMENT ACT, 1888.

51 & 52 Vict., Cap. 41. An Act to amend the Laws relating to Local Government in England and Wales, and for other purposes connected therewith. (*a*) [13th August 1888.]

* * *

Transfer to county council of administrative business of quarter sessions.

3. There shall be transferred to the council of each county on and after the appointed day, the administrative business of the justices of the county in quarter sessions assembled, that is to say, all business done by the quarter sessions or any committee appointed by the quarter sessions, in respect of the several matters following, namely,—

* * *

(viii.) Bridges and roads repairable with bridges, and any powers vested by the Highways and Locomotives (Amendment) Act, 1878, in the county authority; * * *

* * *

(xiii.) The execution as local authority of the Acts relating to * * * and to gas meters. * * *

* * *

Entire maintenance of main roads.

11. * * *

(11.) Every authority having any power or duty to light the roads in their district shall have the same power and duty to light any main road in their district.

* * *

[**15.** Council to have power to oppose Bills in Parliament.]

* * *

Application of Act with modifications to county boroughs.

34. * * *

(3.) The provisions of this Act with respect to—

* * *

(e.) gas meters,

* * *

shall not apply to county boroughs, * * *

* * *

Application of Act to all boroughs with population under 10,000.

39.—(1.) Where a borough, whether with or without a separate court of quarter sessions, contained according to the census of one thousand eight hundred and eighty-one a population of less than ten thousand, then after the ap-

(*a*) Short Title, the Local Government Act, 1888. See s. 102.

51 & 52 Vict., Cap. 41.

pointed day all powers, duties, and liabilities of the mayor, aldermen, and burgesses, or council of the borough, or the watch committee of the borough in relation—

* * *

(d.) to gas meters, or

* * *

shall cease, and * * * the area of the borough shall for all purposes of the Acts relating to the * * * matters above in this section mentioned, form part of the county in like manner as if it were not a borough; * * *

Application of Act to Metropolis as county of London.

40. * * *

(8.) There shall also be transferred to the London county council the powers, duties, and liabilities of the Metropolitan Board of Works, * * *

* * *

Interpretation of certain terms in the Act.

100. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say:

The expression "County" does not include a county of a city or county of a town:

* * *

The expression "borough" means any place for the time being subject to the Municipal Corporations Act, 1882, and any reference to the mayor, aldermen, and burgesses of a borough shall include a reference to the mayor, aldermen, and citizens of a city:

45 & 46 Vict. c. 50.

* * *

The expression "quarter sessions" as respects any county, riding, division, or liberty, means the justices in quarter or general sessions assembled, and includes justices assembled in gaol sessions, annual general sessions, and adjourned sessions, and as respects any borough, means any court of quarter or general sessions held for the borough or for any county of a city or town consisting of the borough, whether held by the recorder or by justices, and as respects the city of London, means the court of the mayor and aldermen in the inner chamber:

Extent of Act.

101. This Act shall not extend to Scotland or Ireland.

Short title.

102. This Act may be cited as the Local Government Act, 1888.

* * *

BOROUGH FUNDS (IRELAND) ACT, 1888.

51 & 52 Vict., Cap. 53. An Act to authorise the application of Funds of Municipal Corporations and other Governing Bodies in Ireland in certain Cases. [24th December 1888.]

[Introductory words.]

1. This Act may be cited for all purposes as the Borough Funds (Ireland) Act, 1888. Short title.

[For provisions of this Act corresponding to those of the Borough Funds Act, 1872, see under that Act, pp. 255-258.]

52 & 53 Vict., Cap. 21.

WEIGHTS AND MEASURES ACT, 1889.

52 & 53 Vict., Cap. 21. An Act for amending the Law relating to Weights and Measures, and for other purposes connected therewith.

[26th July 1889.]

41 & 42 Vict. c. 49.

Whereas it is expedient to amend the Weights and Measures Act, 1878 (herein-after referred to as the principal Act), and the law relating to the sale of coal:

* * *

Application of 41 & 42 Vict. c. 49. s. 66 to gas standards.

15. The provisions of the principal Act and of this Act as to the verification and re-verification of local and working standards shall apply to the standards used by any local authority in testing meters under the Act of the Session held in the twenty-second and twenty-third years of the reign of Her present Majesty, chapter sixty-six, intituled "An Act for regulating measures used in sales of gas," and the Acts amending the same.

* * *

Short titles.

39. This Act may be cited as the Weights and Measures Act, 1889; and the principal Act and this Act may be cited together as the Weights and Measures Acts, 1878 and 1889.

52 & 53 Vict., Cap. 50.

LOCAL GOVERNMENT (SCOTLAND) ACT, 1889.

52 & 53 Vict., Cap. 50. An Act to amend the Laws relating to Local Government in Scotland.

[26th August 1889.]

[Introductory words.]

Preliminary.

Short title.

1. This Act may be cited as the Local Government (Scotland) Act, 1889.

Extent of Act.

2. This Act shall extend to Scotland only.

Establishment of county council.

3. A council (in this Act referred to as a county council or the council of a county) shall be established in every county, and be entrusted with the management of the administrative and financial business of that county as herein-after provided.

* * *

Powers of Council.

Transfer to county council of powers of commissioners of supply, road trustees, &c.

11. Subject to the provisions of this Act there shall be transferred to and vested in the council of each county, on and after the appointed day, or at such times as are in this Act in that behalf respectively specified:—

* * *

(2.) The whole powers and duties of the county road trustees;

* * *

(4.) The whole powers and duties of the local authorities under the Public Health Acts of parishes so far as within the county (excluding burghs and police burghs); and

(5.) The administrative powers and duties of the justices of the peace of the county in general or special or quarter sessions assembled in respect of the several matters following, namely:

(i.) The execution as local authority of the Acts relating to gas meters, to explosive substances, to weights and measures, to habitual drunkards, and to wild birds;

* * *

52 & 53 Vict., Cap. 50.

[**55.** Power to county council to enforce provisions of Rivers Pollution Prevention Act, 1876.]

[**56.** Council to have power to oppose Bills in Parliament.]

* * *

Provision for special drainage or water supply districts.

81. With respect to special drainage districts or special water supply districts the following provisions shall have effect:—

(1.) Where a special drainage district or special water supply district has been formed in any parish under the Public Health Acts, the district committee may, subject to regulations to be from time to time made with the consent of the county council, appoint a sub-committee for the management and maintenance of the drainage or water supply works, and such sub-committee * * * (*a*)

(2.) Where a special drainage district or special water supply district is partly within a county and partly within a burgh or police burgh, the sub-committee appointed under the immediately preceding sub-section and such number of the town council or police commissioners (as the case may be) of such burgh or police burgh as failing agreement the Secretary for Scotland may determine having regard to all the circumstances of the case, shall be charged with the management and maintenance of the drainage or water supply works within such special district, and the determination of the Secretary for Scotland may provide for the regulation of the proceedings and for the allocation and payment of the expenses incurred under this sub-section;

(3.) Where a special drainage district or special water supply district is wholly within a police burgh formed after the passing of this Act, the police commissioners of such police burgh shall become the local authority under the Public Health Acts for such special district, * * *

* * *

(*a*) In lieu of words omitted, read "shall in whole or in part consist of parish councillors of the parish or parishes in which the special district is situated, whether members of the district committee or not." See Local Government (Scotland) Act, 1894, s. 44. (9.), p. 429. Words omitted at end of section repealed by Public Health (Scotland) Act, 1897, s. 196, p. 463.

52 & 53 Vict., Cap. 63.

INTERPRETATION ACT, 1889.

52 & 53 Vict., Cap. 63. An Act for consolidating enactments relating to the Construction of Acts of Parliament and for further shortening the Language used in Acts of Parliament. (*a*)

[30th August 1889.]

[Introductory words.]

Re-enactment of existing Rules.

Rules as to gender and number.

1.—(1.) In this Act and in every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, unless the contrary intention appears,—

(*a.*) words importing the masculine gender shall include females; and

(*b.*) words in the singular shall include the plural, and words in the plural shall include the singular.

(2.) The same rules shall be observed in the construction of every enactment relating to an offence punishable on indictment or on summary conviction, when the enactment is contained in an Act passed in or before the year one thousand eight hundred and fifty.

Application of penal Acts to bodies corporate.

2.—(1.) In the construction of every enactment relating to an offence punishable on indictment or on summary conviction, whether contained in an Act passed before or after the commencement of this Act, the expression "person" shall, unless the contrary intention appears, include a body corporate.

(2.) Where under any Act, whether passed before or after the commencement of this Act, any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a body corporate in every case where that body is the party aggrieved.

Meanings of certain words in Acts since 1850.

3. In every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them; namely,—

(*a*) Short Title, the Interpretation Act, 1889. See s. 43, p. 376.

52 & 53 Vict., Cap. 63.

The expression "month" shall mean calendar month:
The expression "land" shall include messuages, tenements, and hereditaments, houses, and buildings of any tenure:
The expressions "oath" and "affidavit" shall, in the case of persons for the time being allowed by law to affirm or declare instead of swearing, include affirmation and declaration, and the expression "swear" shall, in the like case, include affirm and declare.

Meaning of "county" in past Acts.

4. In every Act passed after the year one thousand eight hundred and fifty and before the commencement of this Act the expression "county" shall, unless the contrary intention appears, be construed as including a county of a city and a county of a town.

Meaning of "parish."

5. In every Act passed after the year one thousand eight hundred and sixty-six, whether before or after the commencement of this Act, the expression "parish" shall, unless the contrary intention appears, mean, as respects England and Wales, a place for which a separate poor rate is or can be made, or for which a separate overseer is or can be appointed.

Meaning of "county court."

6. In this Act, and in every Act and Order of Council passed or made after the year one thousand eight hundred and forty-six, whether before or after the commencement of this Act, the expression "county court" shall, unless the contrary intention appears, mean as respects England and Wales a court under the County Courts Act, 1888.

51 & 52 Vict. c. 43.

Meaning of "sheriff clerk," &c. in Scotch Acts.

7. In every Act relating to Scotland, whether passed before or after the commencement of this Act, unless the contrary intention appears—
The expression "sheriff clerk" shall include steward clerk;
The expressions "shire," "sheriffdom," and "county" shall include any stewartry in Scotland.

Sections to be substantive enactments.

8. Every section of an Act shall have effect as a substantive enactment without introductory words.

Acts to be public Acts.

9. Every Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, shall be a public Act and shall be judicially noticed as such, unless the contrary is expressly provided by the Act.

Amendment or repeal of Acts in same session.

10. Any Act may be altered, amended, or repealed in the same session of Parliament.

52 & 53 Vict., Cap. 63.

Effect of repeal in Acts passed since 1850.

11.—(1.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals a repealing enactment, it shall not be construed as reviving any enactment previously repealed, unless words are added reviving that enactment.

(2.) Where an Act passed after the year one thousand eight hundred and fifty, whether before or after the commencement of this Act, repeals wholly or partially any former enactment and substitutes provisions for the enactment repealed, the repealed enactment shall remain in force until the substituted provisions come into operation.

New General Rules of Construction.

Official definitions in past and future Acts.

12. In this Act, and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

* * *

(2.) The expression "the Treasury" shall mean the Lord High Treasurer for the time being or the Commissioners for the time being of Her Majesty's Treasury.

(3.) The expression "Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State for the time being.

* * *

(8.) The expression "the Board of Trade" shall mean the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations.

(9.) The expression "Lord Lieutenant," when used with reference to Ireland, shall mean the Lord Lieutenant of Ireland or other Chief Governors or Governor of Ireland for the time being.

(10.) The expression "Chief Secretary," when used with reference to Ireland, shall mean the Chief Secretary to the Lord Lieutenant for the time being.

(11.) The expression "Postmaster General" shall mean Her Majesty's Postmaster General for the time being.

(12.) The expression "Commissioners of Woods" or "Commissioners of Woods and Forests" shall mean the Commissioners of Her Majesty's Woods, Forests, and Land Revenues for the time being.

(13.) The expression "Commissioners of Works" shall mean the Commissioners of Her Majesty's Works and Public Buildings for the time being.

52 & 53 Vict., Cap. 63.

Judicial definitions in past and future Acts.

13. In this Act and in every other Act whether passed before or after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "Supreme Court," when used with reference to England or Ireland, shall mean the Supreme Court of Judicature in England or Ireland, as the case may be, or either branch thereof.

(2.) The expression "Court of Appeal," when used with reference to England or Ireland, shall mean Her Majesty's Court of Appeal in England or Ireland, as the case may be.

(3.) The expression "High Court," when used with reference to England or Ireland, shall mean Her Majesty's High Court of Justice in England or Ireland, as the case may be.

(4.) The expression "court of assize" shall, as respects England, Wales, and Ireland, mean a court of assize, a court of oyer and terminer, and a court of gaol delivery, or any of them, and shall, as respects England and Wales, include the Central Criminal Court.

(5.) The expression "assizes," as respects England, Wales, and Ireland, shall mean the courts of assize usually held in every year, and shall include the sessions of the Central Criminal Court, but shall not include any court of assize held by virtue of any special commission, or, as respects Ireland, any court held by virtue of the powers conferred by section sixty-three of the Supreme Court of Judicature Act (Ireland), 1877.

40 & 41 Vict. c. 57.

(6.) The expression "the Summary Jurisdiction Act, 1848," shall mean the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders."

(7.) The expression "the Summary Jurisdiction (England) Acts" and the expression "the Summary Jurisdiction (English) Acts" shall respectively mean the Summary Jurisdiction Act, 1848, and the Summary Jurisdiction Act, 1879, and any Act, past or future, amending those Acts or either of them.

11 & 12 Vict. c. 43.
42 & 43 Vict. c. 49.

27 & 28 Vict. c. 53.
44 & 45 Vict. c. 33.

(8.) The expression "the Summary Jurisdiction (Scotland) Acts" shall mean the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Act, past or future, amending those Acts or either of them.

(9.) The expression "the Summary Jurisdiction (Ireland) Acts" shall mean, as respects the Dublin Metropoli-

tan Police District, the Acts regulating the powers and duties of justices of the peace or of the police of that district, and as respects any other part of Ireland, the Petty Sessions (Ireland) Act, 1851, and any Act, past or future, amending the same. 52 & 53 Vict., Cap. 63. 14 & 15 Vict. c. 93.

(10.) The expression "the Summary Jurisdiction Acts" when used in relation to England or Wales shall mean the Summary Jurisdiction (England) Acts, and when used in relation to Scotland the Summary Jurisdiction (Scotland) Acts, and when used in relation to Ireland the Summary Jurisdiction (Ireland) Acts.

(11.) The expression "court of summary jurisdiction" shall mean any justice or justices of the peace, or other magistrate, by whatever name called, to whom jurisdiction is given by, or who is authorised to act under, the Summary Jurisdiction Acts, whether in England, Wales, or Ireland, and whether acting under the Summary Jurisdiction Acts or any of them, or under any other Act, or by virtue of his commission, or under the common law.

(12.) The expression "petty sessional court" shall, as respects England or Wales, mean a court of summary jurisdiction consisting of two or more justices when sitting in a petty sessional court-house, and shall include the Lord Mayor of the city of London, and any alderman of that city, and any metropolitan or borough police magistrate or other stipendiary magistrate when sitting in a court-house or place at which he is authorised by law to do alone any act authorised to be done by more than one justice of the peace.

(13.) The expression "petty sessional court-house" shall, as respects England or Wales, mean a court-house or other place at which justices are accustomed to assemble for holding special or petty sessions, or which is for the time being appointed as a substitute for such a court-house or place, and where the justices are accustomed to assemble for either special or petty sessions at more than one court-house or place in a petty sessional division, shall mean any such court-house or place. The expression shall also include any court-house or place at which the Lord Mayor of the city of London or any alderman of that city, or any metropolitan or borough police magistrate or other stipendiary magistrate is authorised by law to do alone any act authorised to be done by more than one justice of the peace.

(14.) The expression "court of quarter sessions" shall mean the justices of any county, riding, parts, division, or liberty of a county, or of any county of a city, or county of a town, in general or quarter sessions assembled, and shall

52 & 53 Vict., Cap. 63.

include the court of the recorder of a municipal borough having a separate court of quarter sessions.

* * *

Meaning of borough.

15. In this Act and in every Act passed after the commencement of this Act the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "municipal borough" shall mean, as respects England and Wales, any place for the time being subject to the Municipal Corporations Act, 1882, and any reference to the mayor, aldermen, and burgesses of a borough shall include a reference to the mayor, aldermen, and citizens of a city, and any reference to the powers, duties, liabilities or property of the council of a borough shall be construed as a reference to the powers, duties, liabilities, or property of the mayor, aldermen and burgesses of the borough acting by the council.

45 & 46 Vict. c. 50.

(2.) The expression "municipal borough" shall mean, as respects Ireland, any place for the time being subject to the Act of the session of the third and fourth years of the reign of Her present Majesty, chapter one hundred and eight, intituled "An Act for the regulation of municipal corporations in Ireland."

* * *

(4.) The expression "borough" when used in relation to local government shall mean a municipal borough as above defined, and when used in relation to parliamentary elections or the registration of parliamentary electors shall mean a parliamentary borough as above defined.

* * *

Geographical and colonial definitions in future Acts.

18. In this Act, and in every Act passed after the commencement of this Act, the following expressions shall, unless the contrary intention appears, have the meanings hereby respectively assigned to them, namely:—

(1.) The expression "British Islands" shall mean the United Kingdom, the Channel Islands, and the Isle of Man.

* * *

Meaning of "person" in future Acts.

19. In this Act and in every Act passed after the commencement of this Act the expression "person" shall, unless the contrary intention appears, include any body of persons corporate or unincorporate.

Meaning of "writing" in past and future Acts.

20. In this Act and in every other Act whether passed before or after the commencement of this Act expressions referring to writing shall, unless the contrary intention appears, be construed as including references to

printing, lithography, photography, and other modes of representing or reproducing words in a visible form. 52 & 53 Vict., Cap. 63.

* * *

23. In any Act passed after the commencement of this Act, unless the contrary intention appears,— Definition of Lands Clauses Acts.

The expression "Lands Clauses Acts" shall mean—

(*a*) as respects England and Wales, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Lands Clauses Consolidation Act, 1869, and the Lands Clauses (Umpire) Act, 1883, and any Acts for the time being in force amending the same; and

(*b*) as respects Scotland, the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, and any Acts for the time being in force amending the same; and

(*c*) as respects Ireland, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act, and any Acts for the time being in force amending the same.

* * *

26. Where an Act passed after the commencement of this Act authorises or requires any document to be served by post, whether the expression "serve," or the expression "give" or "send," or any other expression is used, then, unless the contrary intention appears, the service shall be deemed to be effected by properly addressing, prepaying, and posting a letter containing the document, and unless the contrary is proved to have been effected at the time at which the letter would be delivered in the ordinary course of post. Meaning of service by post.

* * *

28. In this Act and in every Act passed after the commencement of this Act, unless the contrary intention appears— Meanings of "sheriff" * * * in future Scotch Acts.

The expression "sheriff" shall, as respects Scotland, include a sheriff substitute:

* * *

29. In every Act passed after the commencement of this Act, unless the contrary intention appears, the expression "county court" shall, as respects Ireland, mean a civil bill court within the meaning of the County Officers and Courts (Ireland) Act, 1877. Meaning of "county court" in future Irish Acts. 40 & 41 Vict. c 56.

52 & 53 Vict., Cap. 63.

References to the Crown.

30. In this Act and in every other Act, whether passed before or after the commencement of this Act, references to the Sovereign reigning at the time of the passing of the Act or to the Crown shall, unless the contrary intention appears, be construed as references to the Sovereign for the time being, and this Act shall be binding on the Crown.

Construction of statutory rules, &c.

31. Where any Act, whether passed before or after the commencement of this Act, confers power to make, grant, or issue any instrument, that is to say, any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws, expressions used in the instrument, if it is made after the commencement of this Act, shall, unless the contrary intention appears, have the same respective meanings as in the Act conferring the power.

Construction of provisions as to exercise of powers and duties.

32.—(1.) Where an Act passed after the commencement of this Act confers a power or imposes a duty, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2.) Where an Act passed after the commencement of this Act confers a power or imposes a duty on the holder of an office, as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder for the time being of the office.

(3.) Where an Act passed after the commencement of this Act confers a powers to make any rules, regulations, or byelaws, the power shall, unless the contrary intention appears, be construed as including a power, exerciseable in the like manner and subject to the like consent and conditions, if any, to rescind, revoke, amend, or vary the rules, regulations, or byelaws.

Provisions as to offences under two or more laws.

33. Where an act or omission constitutes an offence under two or more Acts, or both under an Act and at common law, whether any such Act was passed before or after the commencement of this Act, the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those Acts or at common law, but shall not be liable to be punished twice for the same offence.

Measurement of distances.

34. In the measurement of any distance for the purposes of any Act passed after the commencement of this Act, that distance shall, unless the contrary intention appears, be measured in a straight line on a horizontal plane.

52 & 53 Vict., Cap. 63.

Citation of Acts.

35.—(1.) In any Act, instrument, or document, an Act may be cited by reference to the short title, if any, of the Act, either with or without a reference to the chapter, or by reference to the regnal year in which the Act was passed, and where there are more statutes or sessions than one in the same regnal year, by reference to the statute or the session, as the case may require, and where there are more chapters than one, by reference to the chapter, and any enactment may be cited by reference to the section or sub-section of the Act in which the enactment is contained.

(2.) Where any Act passed after the commencement of this Act contains such reference as aforesaid, the reference shall, unless a contrary intention appears, be read as referring, in the case of statutes included in any revised edition of the statutes purporting to be printed by authority, to that edition, and in the case of statutes not so included, and passed before the reign of King George the First, to the edition prepared under the direction of the Record Commission; and in other cases to the copies of the statutes purporting to be printed by the Queen's Printer, or under the superintendence or authority of Her Majesty's Stationery Office.

(3.) In any Act passed after the commencement of this Act a description or citation of a portion of another Act shall, unless the contrary intention appears, be construed as including the word, section, or other part mentioned or referred to as forming the beginning and as forming the end of the portion comprised in the description or citation.

"Commencement."

36.—(1.) In this Act, and in every Act passed either before or after the commencement of this Act, the expression "commencement," when used with reference to an Act, shall mean the time at which the Act comes into operation.

(2.) Where an Act passed after the commencement of this Act, or any Order in Council, order, warrant, scheme, letters patent, rules, regulations, or byelaws made, granted, or issued, under a power conferred by any such Act, is expressed to come into operation on a particular day, the same shall be construed as coming into operation immediately on the expiration of the previous day.

* * *

Effect of repeal in future Acts.

38.—(1.) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

52 & 53 Vict., Cap. 63.

(2.) Where this Act or any Act passed after the commencement of this Act repeals any other enactment, then, unless the contrary intention appears, the repeal shall not—

(*a.*) revive anything not in force or existing at the time at which the repeal takes effect; or,

(*b.*) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or

(*c.*) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed; or

(*d.*) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or

(*e.*) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Act had not been passed.

Supplemental.

Definition of "Act" in this Act.

39. In this Act the expression "Act" shall include a local and personal Act and a private Act.

Saving for past Acts.

40. The provisions of this Act respecting the construction of Acts passed after the commencement of this Act shall not affect the construction of any Act passed before the commencement of this Act, although it is continued or amended by an Act passed after such commencement.

* * *

Commencement of Act

42. This Act shall come into operation on the first day of January one thousand eight hundred and ninety.

Short title.

43. This Act may be cited as the Interpretation Act, 1889.

53 & 54 Vict., Cap. 59.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

53 & 54 Vict., Cap. 59. An Act to amend the Public Health Acts. (*a*) [18th August 1890.]

* * * PART I.—GENERAL.

Short title, construction, and extent of Act.

2.—(1.) This Act shall be construed as one with the Public Health Acts.

(2.) Part One of this Act shall extend to England and Wales and Ireland, exclusive of the administrative county of London. Parts Two, Three, Four and Five, shall extend to any district in which they are respectively adopted under the provisions of this Act

(3.) This Act may be cited as the Public Health Acts Amendment Act, 1890, and this Act and the Public Health Acts may be cited together as the Public Health Acts.

Adoption of Act by local authorities.

3. The following provisions shall have effect with regard to the adoption of the parts of this Act, which are adoptive, by local authorities:—

(1.) An urban authority may adopt all or any of such part.

(2.) A rural authority may adopt Part Three so far as it is declared by this Act to be applicable to such authority, without prejudice to the provisions of this Act relating to the investing of rural authorities with urban powers.

[Sub-sections (3.)-(6.) Proceedings for adoption of Act.]

* * *

Interpretation.

11.—* * *

(3.) In this Act if not inconsistent with the context—

The expression "local authority" means an urban sanitary authority or a rural sanitary authority, as the case may be, under the Public Health Acts, and the expressions "urban authority" and "rural authority" mean respectively an urban sanitary authority and a rural sanitary authority under those Acts.

(*a*) By Local Government (Ireland) Act, 1898, s. 105, the Public Health Acts, 1878 to 1896, are, as to Ireland, made subject to adaptation by Order in Council.

53 & 54 Vict., Cap. 59.

The expressions "urban sanitary district" and "rural sanitary district" mean respectively an urban sanitary district and a rural sanitary district under the Public Health Acts.

The expression "sanitary convenience" includes urinals, water-closets, earth-closets, privies, ash-pits, and any similar convenience.

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor.

* * *

Application of Act to Ireland.

12. In the application of this Act to Ireland the following modifications shall have effect:—

* * *

41 & 42 Vict. c. 52.

(2.) This Act shall be construed as one with the Public Health (Ireland) Act, 1878.

(3.) This Act and the Public Health (Ireland) Act, 1878, may be cited as the Public Health (Ireland) Acts.

* * *

(7.) The expression "the Public Health Acts" shall include the Public Health (Ireland) Act, 1878, and the said Act shall be substituted for the Public Health Act, 1875.

* * *

PART III.—SANITARY AND OTHER PROVISIONS.

* * *

Chemical refuse, steam, &c. not to be turned into sewers.

17.—(1.) Every person who turns or permits to enter into any sewer of a local authority or any drain communicating therewith—

(*a.*) Any chemical refuse, or

(*b.*) Any waste steam, condensing water, heated water, or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees of Fahrenheit),

which, either alone or in combination with the sewage, causes a nuisance or is dangerous or injurious to health, shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding five pounds.

(2.) The local authority, by any of their officers either generally or specially authorised in that behalf in writing, may enter any premises for the purpose of examining whether the provisions of this section are being contravened, and if such entry be refused, any justice, on complaint on oath by such officer, made after reasonable notice in writing of such intended complaint has been given to the person having custody of the premises, may by order

under his hand require such person to admit the officer into the premises, and if it be found that any offence under this section has been or is being committed in respect of the premises, the order shall continue in force until the offence shall have ceased or the work necessary to prevent the recurrence thereof shall have been executed.

(3.) A person shall not be liable to a penalty for an offence against this section until the local authority have given him notice of the provisions of this section, nor for an offence committed before the expiraton of seven days from the service of such notice, provided that the local authority shall not be required to give the same person notice more than once.

* * *

Sanitary conveniences for manufactories, &c.

22.—(1.) Every building, used as a workshop or manufactory, or where persons are employed or intended to be employed in any trade or business, whether erected before or after the adoption of this part of this Act in any district, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at such building, and also where persons of both sexes are employed, or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) Where it appears to an urban authority on the report of their surveyor that the provisions of this section are not complied with in the case of any building, the urban authority may, if they think fit, by written notice, require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient, suitable, and proper accommodation as aforesaid.

(3.) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

* * *

Application of part of Act in rural districts.

50. The following provisions of this part of this Act shall be applicable in rural sanitary districts, namely,—

* * *

Section seventeen, relating to the turning of chemical refuse steam, &c., into sewers.

* * *

53 & 54 Vict., Cap. 70.

HOUSING OF THE WORKING CLASSES ACT, 1890.

53 & 54 Vict., Cap. 70. An Act to consolidate and amend the Acts relating to Artizans and Labourers Dwellings and the Housing of the Working Classes. [18th August 1890.]

[Introductory words.]

Short title of Act.

1. This Act may be cited as the Housing of the Working Classes Act, 1890.

* * *

PART III.—WORKING CLASS LODGING HOUSES.

[**54.** Adoption of this part of Act.]

[**55.** Provisions in case of adoption by rural sanitary authority.]

* * *

Power to water and gas companies to supply water and gas to lodging houses.

69. Any commissioners of waterworks, trustees of waterworks, water companies, gas companies, and other corporations, bodies, and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for lodging houses provided under this part of this Act, either without charge or on such other favourable terms as they think fit.

* * *

PART VI.—APPLICATION OF ACT TO IRELAND.

Adoption of Part III. of Act by town commissioners of small towns in Ireland.

99.—(1.) In a town not being an urban sanitary district Part III. of this Act may be adopted by any town commissioners for the time being existing for the paving, lighting, or cleansing of that town under any Public Act of Parliament or any charter, and the Act when adopted shall be carried into execution by such town commissioners, and for that purpose they shall be deemed to be a local authority within the meaning of the said part.

[Sub-sections (2.)-(5.) Proceedings for adoption of Act.]

* * *

54 & 55 Vict., Cap. 52.

PUBLIC HEALTH (SCOTLAND) AMENDMENT ACT, 1891.

[54 & 55 Vict., Cap. 52. An Act to amend the Public Health (Scotland) Acts.

[5th August 1891.]

Whereas by the Local Government (Scotland) Act, 1889, provision is made by sections seventeen and seventy-seven for dividing every county into districts for the purposes of the administration of the laws relating to public health, and by sections seventeen and seventy-eight for the constitution of a district committee for each district, which shall be the local authority therein under the Public Health (Scotland) Act, 1867, and any amending Act, in this Act referred to as the Public Health (Scotland) Acts (*a*):

53 & 54 Vict. c. 50.

30 & 31 Vict. c. 17. (Sic, but apparently c. 101.)

And whereas such districts comprise several parishes, and it has been found to be expedient, in order to facilitate the administration of the last-mentioned Acts with respect to the supply of water to such districts or parts thereof, that the said Acts should be amended as hereinafter provided:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Public Health (Scotland) Amendment Act, 1891, and the Public Health (Scotland) Acts and this Act shall be read and construed together as one Act.

Short title and construction.

2. This Act shall not take effect within any district in any county until after the county council shall, on the application of the district committee, have passed a resolution approving of its taking effect within such district, such resolution having been passed, and such application having been sanctioned at meetings called with special notice of the resolution to be submitted thereat.

Commencement of Act.

(*a*) Public Health (Scotland) Acts, 1867, 1871, 1875, 1882, and 1890, repealed by Public Health (Scotland) Act, 1897, s. 196, p. 463. For substituted reference to latter Act, see s. 193 thereof, pp. 462, 463.

54 & 55 Vict., Cap. 52.

An application of a district committee or a resolution of a county council shall not have effect for the purposes of this section unless approved of by an absolute majority of the whole members of the district committee or county council, as the case may be.

Incorporation of Act and parts of Acts. 30 & 31 Vict. c. 17. (Sic, but apparently c. 101.)

10 & 11 Vict. c. 17.

3. The following Acts, and parts of Acts, so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of the Public Health (Scotland) Act, 1867 (*a*), are hereby incorporated with that Act:—

The Waterworks Clauses Act, 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and except the words in section forty-four thereof, "with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner";

26 & 27 Vict. c. 93.

The Waterworks Clauses Act, 1863;

8 & 9 Vict. c. 33.

The provisions of the Railway Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, but such last-mentioned provisions shall apply only in the case of any reservoir, filter, or distributing tank which the local authority may be authorised to construct, and the works immediately connected therewith; and for the purposes of this Act those provisions shall be read as if such reservoir, filter, or tank, and works were therein mentioned, instead of "the railway," and the boundaries of such reservoir, filter, or tank, and works, instead of "the centre of the railway;" and the prescribed limits shall be two hundred yards from such boundaries.

Division of assessment for water supply into (1) domestic water rate and (2) public water rate.

4. Upon this Act taking effect the expense incurred or to be incurred by the district committee as local authority under the provisions of the Public Health (Scotland) Acts during the year ensuing for water supply (including the sums necessary for payment of interest on and repayment of instalments of any money borrowed for providing such supply) shall be paid out of the assessments in this section authorised; that is to say:—

(1.) It shall be lawful for the county council, and they are hereby authorised and required, once in every year to impose and levy an assessment (to be called the domestic water rate) upon all lands and heritages within the district

(*a*) See note (*a*), p. 381.

which shall have been supplied with water by the district committee as local authority at such rate in the pound as shall be sufficient, when supplemented by the public water rate, if any, to defray the expense herein-before mentioned; 54 & 55 Vict., Cap. 52.

(2.) It shall be lawful for the county council, and they are hereby authorised, once in every year to impose and levy an assessment (to be called the public water rate) if they shall think fit upon all lands and heritages within the district, but such rate if imposed shall not exceed threepence in the pound, and may be such less amount as the county council may from time to time determine.

(3.) The assessments or rates in this section mentioned shall not in the aggregate exceed the rates authorised by the Public Health (Scotland) Acts (*a*), and shall be imposed and levied and be payable, and may be recovered in the same manner, as nearly as may be, as assessments under the provisions of the Public Health (Scotland) Acts (*a*)

Provided always that—

(*a.*) Where a special water supply district has been formed in the manner provided in the said Acts, and a sufficient supply of water has been obtained and is maintained therein under the authority of the said Acts, the lands and heritages situated within such special water supply district shall not be liable to assessment for the expense of supplying water to other parts of the district:

(*b.*) The local authority shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year: [Minimum annual sum entitling to supply of water.]

(*c.*) No person shall be entitled to demand such supply of water or to require the local authority to lay down communication pipes, unless some pipe of the local authority shall have been laid within one hundred feet of the house or other premises in respect of which such supply or communication pipes are demanded, or unless the local authority shall become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act, 1847, to cause pipes to be laid down within the said distance of one hundred feet of such house or other premises.

5. The county council as the local authority may, in addition to the powers conferred by section eighty-nine (six) of the Public Health (Scotland) Act, 1867 (*a*), borrow money for the purposes therein set forth on the security of Power to borrow on security of assessments.

(*a*) See note (*a*), p. 381.

54 & 55 Vict., Cap. 52.

the assessments hereby authorised, and may assign the said assessments and the general assessments that may be imposed under the said Act or any of them in security of the money to be so borrowed.

Power to abolish certain special water supply districts.

6. If in any special water supply district the maximum rates leviable shall be inadequate to provide and maintain a sufficient supply of water, it shall be lawful for the local authority, at a meeting called with special notice, to resolve by an absolute majority of their number, to apply to the county council, who may by an absolute majority of the whole members of the council resolve, subject to such conditions as they may determine regarding the payment of any debt that may affect such special water supply district, that the area embraced within the boundaries of such special water supply district shall cease to exist as a special water supply district, and, in the event of such local authority so resolving, such area shall, subject as aforesaid, from and after a date to be fixed by such local authority cease to be rated and assessed for the purposes of water supply separately from the district; but such area may continue to be rated and assessed separately from the district for the purpose of the payment of such debt.

A resolution of a local authority under this section shall not have effect until it is confirmed by the Secretary for Scotland on the application of the county council, and after such inquiry as the Secretary for Scotland shall deem necessary. The costs of any such inquiry shall be borne by the local authority.

Saving for existing water companies and commissioners.

7. Nothing contained in or done in pursuance of the provisions of this Act shall authorise the supply of water to, or any assessment to be imposed and levied within, any district or part of a district which is already authorised to be supplied with water by any water company or water commissioners or trustees established by Act of Parliament, or shall prejudice or affect the last proviso of subsection one of section eighty-nine of the Public Health (Scotland) Act, 1867 (*a*).

Saving for existing loans.

8. Nothing contained in or done in pursuance of the provisions of this Act shall in any way prejudice the rights or powers of creditors who before the passing of this Act have advanced moneys to any local authority under the Public Health (Scotland) Acts (*a*), and all securities for such moneys may be enforced against the same assessments against which they may be enforced at the passing of this Act.

(*a*) See note (*a*), p. 381.

54 & 55 Vict., Cap. 76

PUBLIC HEALTH (LONDON) ACT, 1891.

54 & 55 Vict., Cap. 76. An Act to consolidate and amend the Laws relating to Public Health in London. (*a*) [5th August 1891.]

* * *

Nuisances (General).

Nuisances (General).

2.—(1.) For the purposes of this Act,—

What nuisances may be abated summarily.

* * *

(*f.*) Any such absence from premises of water fittings as is a nuisance by virtue of section thirty-three of the Metropolis Water Act, 1871, set out in the First Schedule to this Act;

* * *

shall be nuisances liable to be dealt with summarily under this Act.

* * *

4. * * *

Notice requiring abatement of nuisance.

(3.) Provided that—

* * *

(*d.*) where the nuisance is such absence of water-fittings as is declared a nuisance by section thirty-three of the Metropolis Water Act, 1871 (set out in the First Schedule to this Act), such absence shall be deemed to render the premises unfit for human habitation unless and until the contrary is shown to the satisfaction of the court.

34 & 35 Vict. c. 113.

* * *

Smoke Consumption.

Smoke Consumption.

23.—(1.) Every furnace employed in the working of engines by steam, and every furnace employed in any public bath or washhouse, or in any mill, factory, printing house, dyehouse, iron foundry, glasshouse, distillery, brewhouse, sugar refinery, bakehouse, gasworks, waterworks, or other buildings used for the purpose of trade or manufacture (although a steam engine be not used or employed therein), shall be constructed so as to consume or burn the smoke arising from such furnace.

Furnaces * * * to consume their own smoke.

(*a*) Short Title, the Public Health (London) Act, 1891. See s. 144, p. 393.

54 & 55 Vict., Cap. 76.

(2.) If any person being the owner or occupier of the premises, or being a foreman or other person employed by such owner or occupier—

(*a.*) uses any such furnace which is not constructed so as to consume or burn the smoke arising therefrom; or

(*b.*) so negligently uses any such furnace as that the smoke arising therefrom is not effectually consumed or burnt; or

(*c.*) carries on any trade or business which occasions any noxious or offensive effluvia, or otherwise annoys the neighbourhood or inhabitants, without using the best practicable means for preventing or counteracting such effluvia or other annoyance;

such person shall be liable to a fine not exceeding five pounds, and on a second conviction to a fine of ten pounds, and on each subsequent conviction to a fine double the amount of the fine imposed on the last preceding conviction.

[(3.) As to steam vessels on the river Thames.]

* * *

(4.) Provided that in this section the words "consume or burn the smoke" shall not be held in all cases to mean "consume or burn all the smoke," and the court hearing an information against a person may remit the fine if of opinion that such person has so constructed his furnace as to consume or burn, as far as possible, all the smoke arising from such furnace, and has carefully attended to the same, and consumed or burned, as far as possible, the smoke arising from such furnace.

(5.) It shall be the duty of every sanitary authority to enforce the provisions of this section, and an information shall not be laid for the recovery of any fine under this section except under the direction of a sanitary authority.

(6.) The provisions of this Act with respect to the admission of the sanitary authority into any premises for any purposes in relation to nuisances, and with respect to the giving of information of a nuisance, shall apply in like manner as if they were herein re-enacted, and in terms made applicable to this section.

(7.) This section shall extend to the port of London, and as respects the port shall be enforced by the port sanitary authority.

14 & 15 Vict. c. 75. 16 & 17 Vict. c. cxli.

(8.) Nothing in this section shall alter or repeal any of the provisions of the City of London Sewers Act, 1851, or of the Whitechapel Improvement Act, 1853.

54 & 55 Vict., Cap. 76.

Summary proceedings for abatement of nuisance caused by smoke.

24.—

(*a.*) Any fireplace or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gas-work, or in any manufacturing or trade process whatsoever; and

(*b.*) Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance;

shall be nuisances liable to be dealt with summarily under this Act, and the provisions of this Act relating to those nuisances shall apply accordingly:

Provided that the court, hearing a complaint against a person in respect of a nuisance arising from a fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, shall hold that no nuisance is created, and dismiss the complaint, if satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

* * *

Provisions as to Water.

Provisions as to Water.

Provisions as to house without proper water supply.

48.—(1.) An occupied house without a proper and sufficient supply of water shall be a nuisance liable to be dealt with summarily under this Act, and, if it is a dwelling-house, shall be deemed unfit for human habitation.

(2.) A house which after the commencement of this Act is newly erected, or is pulled down to or below the ground floor and rebuilt, shall not be occupied as a dwelling-house until the sanitary authority have certified that it has a proper and sufficient supply of water, either from a water company or by some other means.

(3.) If the sanitary authority refuse such certificate, or fail to give it within one month after written request for the same from the owner of the house, the owner of the house may apply to a petty sessional court, and that court, after hearing or giving the sanitary authority an opportunity to be heard, may, if they think the certificate ought to have been granted, make an order authorising the occupation of the house; but, unless such order is made, an owner who occupies or permits to be occupied the house as a dwelling-house without such certificate shall be liable

54 & 55 Vict., Cap. 76.

to a fine not exceeding ten pounds, and to a fine not exceeding twenty shillings for every day during which it is so occupied until a proper and sufficient supply of water is provided; but the imposition of such fine shall be without prejudice to any proceedings for obtaining a closing order.

Notice to sanitary authority of water supply being cut off.

49.—(1.) Where a water company may lawfully cut off the water supply to any inhabited dwelling-house and cease to supply such dwelling-house with water for non-payment of water rate or other cause, the company shall in every case, within twenty-four hours after exercising the said right, give notice thereof in writing to the sanitary authority of the district in which the house is situated.

(2.) Any company which neglects to comply with the foregoing provision shall be liable to a fine not exceeding ten pounds, and it shall be the duty of the sanitary authority to take proceedings against any company in default.

(3.) This section shall apply to every water company which is a trading company supplying water for profit.

Cleansing of cisterns.

50. Every sanitary authority shall make byelaws for securing the cleanliness and freedom from pollution of tanks, cisterns, and other receptacles used for storing of water used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man.

Power of sanitary authority as to public fountains.

51.—(1.) All existing public cisterns, reservoirs, wells, fountains, pumps, and works used for the gratuitous supply of water to the inhabitants of the district of any sanitary authority, and not vested in any person or authority other than the sanitary authority, shall vest in and be under the control of the sanitary authority; and that authority may maintain the same and plentifully supply them with pure and wholesome water, or may substitute, maintain, and plentifully supply with pure and wholesome water other such works equally convenient, and may maintain and supply with water as aforesaid other public cisterns, reservoirs, wells, fountains, pumps, and other such works within their district.

(2.) The sanitary authority may provide and maintain public wells, pumps, and drinking fountains in such convenient and suitable situations as they may deem proper.

(3.) If any person wilfully damages any of the said wells, pumps, or fountains, or any part thereof, he shall, in addition to any punishment to which he is liable, pay to the sanitary authority the expenses of repairing or reinstating such well, fountain, pump, or part thereof.

54 & 55 Vict., Cap. 76.

52.—(1.) If any person engaged in the manufacture of gas—

Penalty for causing water to be corrupted by gas washings.

(*a*) causes or suffers to be brought or to flow into any source of water supply, or into any drain or pipe communicating therewith, any washing or other substance produced in making or supplying gas; or,

(*b*) wilfully or negligently does any act connected with the making or supplying of gas whereby the water in any source of watersupply is fouled,

he shall for every such offence be liable to a fine of two hundred pounds, and, after the expiration of twenty-four hours notice from the sanitary authority or the person to whom the water belongs in that behalf, to a further fine of twenty pounds for every day during which the offence continues.

(2.) Every such fine may be recovered, with full costs of action, in the High Court, in the case of water belonging to or under the control of the sanitary authority by that authority, and in any other case by the person into whose water such washing or other substance is brought or flows, or whose water is fouled by any such act as aforesaid, or in default of proceedings by such person after notice to him from the sanitary authority of their intention to proceed for such fine, by the sanitary authority; but such fine shall not be recoverable unless it is sued for during the continuance of the offence, or within six months after it has ceased.

Penalty for fouling water.

53. If any person does any act whereby any fountain or pump is wilfully or maliciously damaged, or is guilty of any act or neglect whereby the water of any well, fountain, or pump used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, is polluted or fouled, he shall be liable to a fine not exceeding five pounds for each offence, and a further fine not exceeding twenty shillings for every day during which the offence continues after notice is served on him by the sanitary authority in relation thereto, but this section shall not extend to offences against the last preceding section by persons engaged in the manufacture of gas.

Power to close polluted wells, &c.

54.—(1.) On the representation of any person to a sanitary authority that within their district the water in any well, tank, or cistern, public or private, or supplied from any public pump, is used or likely to be used by man for drinking or domestic purposes, or for manufacturing drink for the use of man, and is so polluted, or is likely to be so polluted, as to be injurious or dangerous to health a petty

54 & 55 Vict., Cap. 76.

sessional court, on complaint by such authority and after hearing the person who is the owner or occupier of the premises to which the well, tank, or cistern belongs, if it be private, or in the case of a public well, tank, cistern, or pump, is alleged in the complaint to be interested in the same, or after giving him an opportunity of being heard, may by summary order direct the well, tank, cistern, or pump to be permanently or temporarily closed, or make such other order as appears to the court requisite to prevent injury or danger to the health of persons drinking the water.

(2.) The court may, if they see fit, cause the water complained of to be analysed at the cost of the sanitary authority complaining.

(3.) If the person on whom the order is made fails to comply therewith, he shall be liable to a fine not exceeding twenty pounds, and a petty sessional court on complaint by the sanitary authority may authorise that authority to execute the order, and any expenses incurred by them in so doing may be recovered in a summary manner from the said person.

* * *

Authorities for execution of Act.

Authorities for Execution of Act.

Definition of sanitary authority. 18 & 19 Vict. c. 120. 48 & 49 Vict. c. 33. 50 & 51 Vict. c. 17.

99.—(1.) Subject to the provisions of this Act, the sanitary authority for the execution of this Act (in this Act referred to as "the sanitary authority") shall be as follows; (namely,)

(a) in the City of London the commissioners of sewers (*a*); and

(b) in each of the parishes mentioned in Schedule (A.) to the Metropolis Management Act, 1855, as amended by the Metropolis Management Amendment Act, 1885, and the Metropolis Management (Battersea and Westminster) Act, 1887, other than Woolwich, the vestry of the parish (*b*); and

(c) in each of the districts mentioned in Schedule (B.) to the same Act, as so amended, the district board for the district (*b*); and

(d) in the parish of Woolwich, the local board of health (*b*); and

* * *

[**102.** Application of Public Health Acts to Woolwich. Repealed by London Government Act, 1899, s. 35. (2.)

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

(*b*) Now Metropolitan Borough Councils. See London Government Act, 1899, ss. 4, 19, pp. 483, 484. As to Westminster, Council of City of Westminster. See London Gazette, October 30, 1900, as to Letters Patent constituting Westminster a City.

* * *

54 & 55 Vict., Cap. 76.

132. This Act shall (save as otherwise expressly provided) extend only to London:

Extent of Act.

Provided that this Act shall extend to places elsewhere so far as is necessary for giving effect to any provisions thereof in their application to London and to any places to which such provisions are expressly applied.

City of London.

City of London.

133. In the application of this Act to the City of London the following modifications shall be made:

Application of Act to City.

(a.) There shall be no appeal under this Act from the commissioners of sewers (*a*) to the county council:

(b.) The byelaws made by the county council under this Act shall not extend to the city:

* * *

(d.) The powers of the county council under this Act to proceed in case of default of a sanitary authority shall not extend to the commissioners of sewers.

* * *

Interpretation.

Interpretation

141. In this Act, unless the context otherwise requires,—

Interpretation of terms.

The expression "London" means the administrative county of London:

The expression "county council" means the London County Council:

* * *

The expression "premises" includes messuages, buildings, lands, easements, and hereditaments of any tenure, whether open or enclosed, whether built on or not, and whether public or private, and whether maintained or not under statutory authority:

The expression "house" includes schools, also factories and other buildings in which persons are employed:

The expressions "building" and "house" respectively include the curtilage of a building or house, and include a building or house wholly or partly erected under statutory authority:

* * *

The expression "owner" means the person for the time being receiving the rackrent of the premises in connexion with which the word is used, whether on his own account or as agent or trustee for any

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

54 & 55 Vict., Cap. 76,

other person, or who would so receive the same if such premises were let at a rackrent:

* * *

The expression "source of water supply" means any stream, reservoir, aqueduct, pond, well, tank, cistern, pump, fountain, or other work or means for the supply of water, whether actually used or capable of being used for the supply of water or not:

* * *

The expression "cistern" includes a water-butt:

Repeal.

Repeal.

Repeal of enactments in schedule.

142.—(1.) The Acts specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule, and shall be so repealed as from the date in that schedule mentioned, and where no date is mentioned as from the commencement of this Act;

(2.) Provided that—

(a) where any enactment in the said schedule extends beyond London, such enactment shall not unless otherwise expressed be deemed to be hereby repealed, so far as it applies beyond London:

(b) all securities given under and all orders, byelaws, station, depot, wharf, towing-path, or bank. issued under or having effect in pursuance of any Act hereby repealed shall be of the same validity and effect as if they had been given, made, or issued under this Act, and any penalties recoverable under any such order, byelaw, rule, regulation, or notice may be recovered as if they were imposed by byelaws under this Act.

* * *

38 & 39 Vict. c. 55. * * * 35 & 36 Vict. c. 79.

(5.) For the removal of doubts it is hereby declared that so much of the Public Health Act, 1875 (*a*), as re-enacts * * * sections thirty-four to thirty-six of the Public Health Act, 1872 (*b*), extends to London.

* * *

[Substitution of references for those in repealed Acts.]

(7.) Where in any enactment or in any order made by a Secretary of State or by the Local Government Board, and in force at the time of the passing of this Act, or in any document, any Act or any provisions of an Act are mentioned or referred to which relate to London and are

(*a*) viz., s. 343, p. 275.

(*b*) s. 35 only is here applicable, viz., "Transfer of powers and duties of Board of Trade under Metropolis Water Acts, 1852 and 1871, to Local Government Board."

repealed by this Act, such enactment, order, or document shall be read as if this Act or the corresponding provisions of this Act were therein mentioned or referred to instead of such repealed provisions, and as if a sanitary authority under this Act were substituted for any nuisance authority mentioned in such repealed provisions. 54 & 55 Vict., Cap. 76.

* * *

144. This Act may be cited as the Public Health (London) Act, 1891. Short title.

SCHEDULES.

FIRST SCHEDULE.

ENACTMENTS APPLIED. (*a*)

Section 33 *of the Metropolis Water Act*, 1871.

33. The absence in respect of any premises of the prescribed fittings after the prescribed time shall be a nuisance, within section 11 and sections 12-19 (inclusive) of the Nuisances Removal Act for England, 1855, and within all provisions of the same or any other Act applying, amending, or otherwise relating to those sections; and that nuisance, if in any case proved to exist, shall be presumed to be such as to render the premises unfit for human habitation within section 13 of the Nuisances Removal Act for England, 1855, unless and until the contrary is shown to the satisfaction of the justices acting under that section. 34 & 35 Vict. c. 113. Absence of proper water fittings in premises to be a nuisance.

* * *

FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
* * *		
18 & 19 Vict. c. 121.	The Nuisances Removal Act for England, 1855.	The whole Act.
* * *		
25 & 26 Vict. c. 102.	The Metpopolis Management Amendment Act, 1862.	* * * sections sixty-seven, seventy, * * *
26 & 27 Vict. c. 117.	The Nuisances Removal Act for England (Amendment) Act, 1863.	The whole Act.
* * *		
29 & 30 Vict. c. 90.	The Sanitary Act, 1866.	The whole Act, except section forty-one.

(*a*) See ss. 2. (1.) (*f.*) and 4. (3.) (d.), p. 385.

55 & 56 Vict., Cap. 30.

ALKALI, &c. WORKS REGULATION ACT, 1892.

55 & 56 Vict., Cap. 30. An Act to amend the Alkali, &c. Works Regulation Act, 1881.

[27th June 1892.]

[Introductory words.]

Addition to scheduled works.

1. The works specified in the schedule hereto shall be added to those specified in the schedule to the Alkali, &c. Works Regulation Act, 1881, and shall be scheduled works for the purposes of that Act.

44 & 45 Vict. c. 37.

* * *

Commencement of Act.

3. This Act shall come into operation on the first day of April in the year one thousand eight hundred and ninety-three, but certificates of registration may be applied for and issued at any time after the first day of January in that year.

Short title.

4. This Act may be cited as the Alkali, &c. Works Regulation Act, 1892.

SCHEDULE.

PART II.

* * *

(12.) Tar works, that is to say, works where gas tar is distilled or is heated in any manufacturing process.

55 & 56 Vict., Cap. 55.

BURGH POLICE (SCOTLAND) ACT, 1892.

55 & 56 Vict., Cap. 55. An Act for regulating the Police and Sanitary Administration of towns and populous places, and for facilitating the union of Police and Municipal Administration in burghs in Scotland. [28th June 1892.]

[Preamble.]

1. This Act may be cited as the Burgh Police (Scotland) Act, 1892, and shall apply to Scotland only. Short title and extent.

* * *

PART I.—GENERAL.

DEFINITIONS.

4. The following words and expressions in this Act shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say, Definitions.

* * *

(3.) "Building" shall include any structure or erection of what kind and nature soever, and every part thereof:

(4.) "Burgh," when used alone, unless otherwise expressed or inconsistent with the context, shall include royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, burgh of regality, burgh of barony, and any populous place or police burgh administered in whole or in part under any general or local Police Act or any burgh created under this Act:

* * *

(7.) "Chief magistrate" shall mean the lord provost, or provost, or in his absence the magistrate present next in seniority, according to priority of election as such, and also the magistrate temporarily acting as chief magistrate in any burgh:

(8.) "Clerk," "treasurer," and "collector" shall

55 & 56 Vict., Cap. 55.

mean the clerk, treasurer, and collector respectively, appointed by the Commissioners under the provisions of this Act:

(9.) "The Commissioners" shall mean the Commissioners for the purposes of this Act (*a*), in their collective capacity, not being Commissioners appointed by the Secretary for Scotland for holding local inquiries under this Act:

* * *

(13.) "House," where not otherwise expressed, shall mean dwelling-house, and shall include outhouses and other erections, being pertinents of the house:

* * *

(16.) "Lands and premises" shall include all lands, springs, rights of servitude, dwelling-houses, shops, warehouses, vaults, cellars, stables, breweries, manufactories, mills, and the fixed or attached machinery therein, yards, places, and other heritages specified or included in the Acts for the valuation of lands and heritages in Scotland in force for the time being:

[In this Act, and in the Lands Clauses Acts so far as incorporated therewith or authorised thereby to be put in force, the term "land" to include water and any right or servitude to or over land or water. See Public Health (Scotland) Act, 1897, s. 124, p. 453.]

* * *

(20.) "Magistrates" shall include the lord provost or provost:

(21.) "Occupier" shall mean tenant or sub-tenant, or any person in the actual occupancy; and shall not include a lodger, or a person in the occupation as tenant of a furnished house let for a less period than one year; but shall include the person by whom such furnished house is so let:

(22.) "Owner" shall include joint owner, fiar, life-renter, feuar, or other person in the actual possession of or entitled to receive the rents of lands, and premises of every tenure or description, and the factor, agent, or commissioner of such persons, or any of them, or any other person, who shall intromit with or draw the rents:

* * *

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

(29.) "Public Health Acts" (*a*) shall mean the Public Health (Scotland) Act, 1867, and any Act amending the same: 55 & 56 Vict., Cap. 55.

(30.) "Sheriff" shall include sheriff-substitute, except as regards (1) the duty of fixing and extending boundaries, (2) the compulsory acquisition of land, (3) any proceeding under section fifteen of this Act:

(31.) "Street" shall include any road, highway, bridge, quay, lane, square, court, alley, close, wynd, vennel, thoroughfare, and public passage or other place within the burgh used either by carts or foot passengers, and not being or forming part of any harbour, railway, or canal station, depôt, wharf, towing-path, or bank.

APPLICATION OF THE ACT.

5.—(1.) This Act shall apply— Places to which Act shall apply.

(a.) From its commencement to every existing burgh, with the exception of the burghs named in Schedule II. of this Act (*b*), and

(b.) To every burgh created under this Act from the date when its creation is recorded in the sheriff court books.

* * *

Various municipal jurisdictions to cease and to vest in the provost, magistrates, &c.

42. In any burgh where various municipal or police authorities possess jurisdictions and powers within the area of such burgh in police, water, gas, drainage, rating, matters of public health or otherwise, such several jurisdictions and powers, and the whole privileges, rights, and duties exercised in connexion therewith, other than those vested in, and possessed and exercised by the provost, magistrates, and town council or Commissioners (*c*), shall cease and determine, and such jurisdiction and all the powers and duties already existing or conferred by this Act in relation thereto, shall thereafter devolve on and be vested in, and be wholly exercised by the provost, magistrates, and town council or Commissioners (*c*): Provided always that where a royal burgh, or a police burgh, or part thereof is included within the parliamentary area of a burgh, this section shall not apply to the effect of uniting such burghs or amalgamating the administration thereof,

(*a*) Repealed by Public Health (Scotland) Act, 1897, s. 196, p. 463. For substituted reference, see that Act, ss. 12, 193, and note (*a*) to s. 12, pp. 451, 462.

(*b*) viz., Edinburgh, Glasgow, Aberdeen, Dundee, and Greenock.

(*c*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

55 & 56 Vict., Cap. 55.

but without prejudice to any application for such amalgamation under the provisions of section forty-five of this Act.

Provost, magistrates, &c. to be local authority under Public Health Act.

43. Notwithstanding the provisions of any general Act or local Police Act, the provost, magistrates, and town council or Commissioners (*a*) in every burgh shall be the local authority under the Public Health (Scotland) Act, 1867 (*b*), within the area of such burgh: Provided that nothing contained in this Act shall prejudice or affect the provisions of section eighty-one of the Local Government (Scotland) Act, 1889, and if any question shall arise under this proviso, the same, failing agreement, may be determined by the Secretary for Scotland after such inquiry as he shall think fit, and the provisions of section ninety-three, sub-section three, of the last-mentioned Act shall apply to such inquiry.

* * *

Special powers.

45. Whenever it shall appear to the Commissioners (*a*) of any burgh to which this Act applies that they require additional powers for the better carrying out of the purposes of this Act, and specially powers relating to the supply of gas or water, or to the roads and streets, or to drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts, or for the repeal or amendment of any local Acts of Parliament relating to such subjects, or their adaptation and adjustment to the provisions of this Act, with such amendments as may be found necessary, or for the repeal of any exemption from rating derived from this or any general or local Act, or to other matters cognate to the purposes of this Act, they may apply to the Secretary for Scotland for a provisional order.

Or whenever it appears desirable to the magistrates and council or the Commissioners (*a*) of contiguous or adjacent burghs that provision should be made for amalgamating the administration of such burghs for all or any of the purposes of this Act or both for municipal purposes and the purposes of this Act, or carrying on jointly such administration or any part thereof by joint committees or otherwise, or for executing jointly any conduits or main sewers, or any other drainage works necessary for the more effectually draining of such contiguous or adjacent burghs, such Commissioners (*a*) or magistrates and council, as the case may be, may make joint application to the Secretary for Scotland for a provisional order.

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

(*b*) For repeal and substituted reference, see note (*a*), p. 397.

Two drafts of the order proposed shall be transmitted with every application for a provisional order. 55 & 56 Vict., Cap. 55.

* * *

99. The Commissioners (*a*) shall make provision for lighting in a suitable manner all the streets, and all other places within the burgh which in their judgment should be lighted at the public expense, and shall provide, erect, and maintain such a number of lamps, lamp posts, and lamp irons, and other appurtenances, as may be necessary for that purpose, and shall light, or shall enter into contracts for lighting, and cause to be lighted, such lamps by means of gas, or such other light of an improved kind, subject to the provisions of the Electric Lighting Act, 1882, or any Act or Acts amending or superseding the same, as they may find expedient; and the Commissioners (*a*) are hereby authorised to order the lamp irons, lamp posts, and lamps to be fixed, either upon the sides of the causeways, streets, and roads, or upon the kerbstones of the pavements or footways, or at or upon the rails or in or upon the walls or buildings on the sides of the streets, as they shall think proper, without being liable to any claim for compensation thereanent. The Gasworks Clauses Act, 1847, the Gas and Water Works Facilities Act, 1870, the Gasworks Clauses Act, 1871, and the Gas and Water Works Facilities Act (1870) Amendment Act, 1873, and any Act amending the said Acts, shall, except in or so far as they are expressly varied by this Act, be incorporated with this Act; and the expression "the undertakers" in the said Acts shall mean the Commissioners. (*a*) Streets to be lighted.

100. It shall be lawful for anyone who shall see any person take away, or wilfully break, throw down, or damage any lamp or lamp post, or wilfully extinguish the light, or damage the iron or appurtenances of any lamp, to seize and apprehend him, and for any person to assist in seizing the offender, and by the authority of this Act, without any other warrant, to convey such offender to the police office, or to deliver him into the custody of a police officer, watchman, or constable or other officer, in order to be secured and taken before a magistrate; and if the person accused of such offence, whether apprehended as aforesaid or afterwards cited for the same, shall be convicted thereof, he shall forfeit a sum not exceeding ten pounds for every such offence, and moreover shall pay such further sum as the magistrate may assess as the amount of the damage done by him, and the payment of such damage shall be enforced in the same way as if it were an additional penalty. Penalty for wilfully breaking lamps.

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

55 & 56 Vict., Cap. 55

Persons accidentally breaking lamps to repair the damage.

101. If a person shall, through negligence or accident, break any lamp set up in any street, or in any common stair or passage, or private court, and shall not, upon demand, make satisfaction for such damage, it shall be lawful for any of the magistrates, upon complaint thereof being established in the police court, under the summary procedure authorised by this Act, to order such sum of money to be paid as the damage proved shall amount to, which sum shall be recoverable as a civil debt.

Price to be paid for gas to be ascertained in case of dispute.

102. If the Commissioners (*a*) and the owners of any works authorised by Act of Parliament to supply gas or other light within the burgh, and with whom the Commissioners (*a*) shall be desirous of contracting, shall not agree as to the terms and conditions of the supply, and as to the price to be paid for such supply, then such terms and conditions and price shall be settled by arbitration; and for that purpose the clauses of the Land Clauses Acts, with respect to the settlement of disputes by arbitration, shall be, and are hereby, incorporated with this Act, and the expression "the promoters" in the said Acts shall, in refernce to this Act, mean the Commissioners (*a*): Provided always, that this enactment shall not apply to any burgh where the supply of gas for public lamps is regulated by a Local Act if the provisions of such Local Act are inconsistent with this enactment.

Gas to be tested.

103. In order to secure a uniform supply of good gas in the burgh, it shall be lawful for the Commissioners (*a*), where the gas is not supplied by them, after intimation to the manufacturers of the gas supplied within the burgh, to provide suitable places and instruments for testing the quality and illuminating power of the gas supplied within the burgh; and tests shall be made as often as may be necessary to obtain a fair and true test of the quality and illuminating power of the gas, and the results of such tests shall be final and conclusive of such quality and illuminating power when the tests were so made; and where the gas supplied within the burgh is manufactured by the Commissioners (*a*), they shall be bound to provide suitable places and instruments for testing the quality and illuminating power of the gas supplied by them within the burgh, and to publish the results at least once a month. Provided always that the person to make the tests shall be appointed by the sheriff on the application of the Commissioners (*a*), or any seven electors or ratepayers in the burgh, after such notice of the application and after such inquiry as to the sheriff shall seem proper; and the whole

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

expense to be incurred in carrying out this enactment shall be defrayed by the Commissioners (*a*) out of the burgh general assessment. 55 & 56 Vict., Cap. 55.

Lighting of common stairs, &c.

104. The owner or owners of common stairs or passages or private courts, or of lands or premises having a right of access by any common stair or passage or private court, shall provide, fit up, and maintain, and renew, in such common stairs, passages, or private courts, all necessary lamps, brackets, and other means of lighting, and all necessary means of extinguishing the light, and shall provide the necessary supply of gas or other light therefor; and such owner or owners shall further, on being required by the Commissioners (*a*), within seven days next after the service of an order for that purpose, provide and fit up in such common stairs, passages, or private courts, such number of lamps, brackets, and other means of lighting, and all such means of extinguishing the light as the Commissioners (*a*) may determine, and provide the necessary supply of gas or other light, as may be required by the Commissioners (*a*), and shall maintain, alter, repair, and renew such lamps and brackets to the satisfaction of the Commissioners (*a*), and in default of compliance with any order of the Commissioners (*a*) under this section, such owner or owners shall, each only in respect of any act or default of his own, be liable to a penalty not exceeding forty shillings, and a daily penalty of a like amount: Provided always, that the owner or owners so providing a supply of gas or other light shall be entitled to recover the amount expended by such owner or owners in providing such supply from the occupiers of every such house or building in, or entering or having access by the common stair, passage, or court, each such occupier being liable to pay his proportionate part of such amount according to the rent payable by each such occupier respectively: Provided further, that the occupier or occupiers shall in all cases clean, light, and extinguish the lights, at such time or times as shall be ordered by the Commissioners (*a*) by any resolution passed by them and published once weekly for at least two weeks in some newspaper published or circulating in the burgh; and any occupier failing to comply with any such order or resolution shall be liable to a penalty not exceeding forty shillings, and to a daily penalty of like amount.

Power to Commissioners (*a*)

105. The Commissioners (*a*) may at any time, and from time to time as they think fit, provide, fit up, and

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

55 & 56 Vict., Cap. 55.

maintain and renew, in such common courts, passages, or private courts, as they may consider to be insufficiently lighted, all necessary lamps, brackets, and other means of lighting, and all necessary means of extinguishing the light, and provide the necessary supply of gas or other light therefor, and by their inspector of lighting, or any other officer or servant of the Commissioners (*a*), clean any lamps and brackets, and light and extinguish the same, and for all purposes aforesaid the inspector of lighting, or any other officer or servant of the Commissioners (*a*), shall be entitled to require and shall have access to and from all such common stairs, passages, or private courts at all times, and the Commissioners (*a*) may, in such cases as they think fit, recover the expense they may incur as a debt from the owner, or if there are more owners than one, then proportionately from each owner according to the rental of the properties of each owner in any house or building or part thereof, to which access is obtained by such common stair, passage, or private court, and such owner or owners shall be entitled to recover the amount expended in providing the supply of gas or other light from the occupiers, each such occupier being liable to pay his proportionate part of such amount according to the rent payable by him: Provided always, that the said expense, recoverable by the Commissioners (*a*) as aforesaid, shall not in the case of common stair lighting exceed twenty shillings per burner per annum, and in the case of all other lighting exceed twenty-five shillings per burner per annum.

supply light and charge owner.

Commissioners (*a*) may remove, &c. lamp post, &c. where not lighted according to regulations.

106. If the Commissioners (*a*) shall have given permission to any person to erect any lamp posts, lamp globes, gas fittings, or other articles, and if the same shall not be kept lighted, or otherwise disposed, according to the orders or regulations of the Commissioners (*a*), the Commissioners (*a*) may take possession of or remove the same without compensation being made therefor: Provided always, that any such lamp posts, lamp globes, gas fittings, or other articles so removed shall be delivered up to the owner thereof, in the event of his claiming the same, within six months after such removal, and paying all costs and expenses attending the removal and preservation of the same.

* * *

Situation of gas and water

149. If the Commissioners (*a*) deem it necessary to raise, sink, or otherwise alter the situation of any water

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

pipe or gas pipe, or other waterworks or gasworks, laid in any such streets, they may from time to time, by notice in writing, require the person to whom any such pipes or works belong to cause forthwith any such pipes or works to be raised, sunk, or otherwise altered in position in such manner as the Commissioners (*a*) may direct; provided that such alteration be not such as permanently to injure such works, or to prevent the water or gas from flowing freely and conveniently; and the expenses attending such alteration shall be paid by the Commissioners (*a*) out of the burgh general assessment, or other rates or assessments, as the case may be.

55 & 56 Vict., Cap. 55.

pipes to be altered if required by Commissioners. (*a*)

* * *

175. Every public building, theatre, or place of public entertainment shall be supplied with means of lighting, and of sufficient ingress and egress for the protection of the public in cases of emergency, to be approved of by the Commissioners (*a*) from time to time as they shall deem necessary.

Lighting, &c. of public buildings.

* * *

SUPPLY OF WATER.

257. The Commissioners (*a*), except when provision is otherwise made under the authority of an Act of Parliament, shall cause all existing public cisterns, pumps, wells, conduits, fountains, and other waterworks used for the gratuitous supply of water to the inhabitants within the burgh, unless the water therein is found to be dangerous or injurious to health or unfit for dietetic purposes, to be continued, maintained, and supplied with water, or they shall substitute other such works equally convenient, and shall cause them to be maintained and supplied with water; and such public cisterns and other works shall be vested in the Commissioners (*a*), and be under their management and control; and the Commissioners (*a*) may construct and maintain any number of new cisterns, pumps, conduits, fountains, and other waterworks for the gratuitous use of any persons who choose to carry the water away, not for sale, but for their own private use, and may supply with water any public baths or wash-houses.

Power to Commissioners (*a*) to construct public cisterns and pumps for supply of water to baths and wash-houses.

258. The Commissioners (*a*) may contract, for any period not exceeding three years at one time, with the owners of any waterworks, or any other person, for such supply of water as the Commissioners (*a*) shall think necessary for the purposes of this Act.

Commissioners may contract for supply of water.

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

55 & 56 Vict., Cap. 55

For ascertaining price to be paid for water in case of dispute.

259. If the Commissioners (*a*), and the owners of any waterworks for supplying water within the burgh, with whom the Commissioners (*a*) may be desirous of contracting for the supply of water to the inhabitants, do not agree as to the terms and conditions of the supply and the price to be paid for such supply, then such terms and conditions and price (except where by the Act authorising such waterworks some other mode of determining such terms and conditions and price shall be provided) shall be settled by arbitration, and for that purpose the clauses of the Lands Clauses Acts with respect to the settlement of disputes by arbitration shall be incorporated with this Act.

Firecocks may be placed on pipes of water companies.

260. It shall be lawful for the Commissioners (*a*), at the sight of the engineer of any water company established or to be established for supplying water within the burgh, or any company or corporation actually supplying water within the burgh, to place proper firecocks upon the pipes belonging to any such company within the burgh, at such convenient distances from each other and at such places as may be considered proper for the supply of the fire engines when brought into operation, the positions of such firecocks being first arranged by the Commissioners (*a*) with the directors of such water company; and in case of difference of opinion between them, the same shall be determined by the sheriff, whose judgment thereon shall be final, and not subject to review.

Commissioners (*a*) may provide sufficient supplies of water, and may erect waterworks, &c.

261. The Commissioners (*a*) may provide the burgh with such a supply of water as may be proper and sufficient for the purposes of this Act, and may maintain such a constant flow of water, by means of a reservoir or reservoirs or otherwise, as may be requisite for the health of the inhabitants or the amenity of the burgh, and for private use to the extent required by this Act; and for [other (*b*)] purposes, or any of them, the Commissioners (*a*) may from time to time contract with any person whomsoever, or purchase, take upon lease, hire, construct, lay down, and maintain such reservoirs and waterworks, and do and execute all such works, matters, and things as shall be necessary and proper, including the opening of streets, public or private, from time to time for the purpose of laying down, altering, or repairing water pipes therein; and any waterworks company or owners or lessees of reservoirs may contract with the Commissioners (*a*) to supply

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

(*b*) In lieu of word "other," now read "these." See Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, s. 6. (2.), p. 504.

water for the purposes of this Act in any manner whatsoever, or may sell and dispose of or lease their reservoirs and waterworks to the Commissioners (*a*); and the Commissioners (*a*) may provide and keep in any waterworks constructed or laid down by them under the powers of this Act a supply of pure and wholesome water, and the water so supplied may be constantly laid on at such pressure as will carry the same to the top story of the highest dwelling-house within the burgh; and the Commissioners (*a*), by means of such reservoirs and waterworks, or either of them, may maintain such a constant flow of water as may be requisite for the health of the inhabitants or the amenity of the burgh: Provided always, that before constructing or laying down any waterworks under the powers of this Act, within any limits within, for, or in respect of which any waterworks company or water commissioners shall have been established for supplying water, the Commissioners (*a*) shall give notice in writing to every waterworks company or water commissioners within whose limits the Commissioners (*a*) may be desirous of laying on or supplying water, stating the purposes for and (as far as may be practicable) the extent to which water is required by the Commissioners (*a*); and it shall not be lawful for the Commissioners (*a*) to construct or lay down any waterworks within such limits, if and so long as any such company or water commissioners shall be able and willing to lay on water proper and sufficient for all reasonable purposes for which it is required by the Commissioners (*a*); and in case any difference shall arise as to whether the water which any such company is able and willing to supply or lay on is proper and sufficient for the purposes for which it is required by the Commissioners (*a*), or whether the purposes for which it is required are reasonable, the same shall be settled by the sheriff, upon summary application by either of the parties, and the decision of the sheriff shall be final.

Burghs having less than five thousand inhabitants may obtain from the sheriff compulsory powers for water supply.

262. In every burgh having less than five thousand inhabitants at the date of the last census, if the Commissioners (*a*) resolve that, in order to obtain a supply of water for the burgh, it is necessary for them to acquire land otherwise than by agreement, they may, instead of proceeding under the Public Health Acts, present a petition to the sheriff in manner herein-before provided, and obtain his authority to put in force the provisions of the Lands Clauses Acts with reference to the acquisition of lands otherwise than by agreement.

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

55 & 56 Vict., Cap. 55.

Service pipes to be laid by owners.

263. Where the Commissioners (*a*) resolve to supply the houses or tenements within the burgh with water for domestic and ordinary purposes, the owners of such houses and tenements shall be entitled to obtain such supply by connecting a service pipe with the main pipes to be laid down by the Commissioners (*a*), the expense of such service pipes and of connecting the same with the main pipes being defrayed by such owners; and where the houses and tenements generally in any street within the burgh shall be supplied with water by means of such service pipes, it shall be competent to the Commissioners (*a*) to require the owner of any tenement in such streets not so supplied to take a supply of water by connecting a service pipe with the main pipe as aforesaid; and in the event of refusal or delay on the part of such owner to comply with such requisition, it shall be lawful for the Commissioners (*a*) to enter such house or premises and proceed to lay down such service pipe themselves, and to recover the expense thereof from such owner; and wherever it is practicable all supplies of water for domestic use shall be taken direct from the main or service pipes and not from cisterns.

Water to be used only for domestic and ordinary purposes, unless by agreement with Commissioners. (*a*)

264. No person shall be entitled, without special agreement with the Commissioners (*a*), to use the water supplied through the pipes of the Commissioners (*a*), except for domestic and ordinary purposes; but where there is a supply of water more than is required for such domestic and ordinary purposes within the burgh, it shall be lawful for the Commissioners (*a*) to contract with any person or persons within the burgh to supply any public baths and washhouses, works, manufactories, or other premises within the burgh with water, at such rate and upon such terms and conditions as may be agreed on; or, in the event of disagreement, either as to the ability of the Commissioners (*a*) to give the supply, or as to the rate, terms, or conditions on or in respect of which the supply is to be given, the same shall be fixed by the sheriff, upon summary application by either of the parties, and the decision of the sheriff shall be final: Provided that when water is thus supplied from such surplus, it shall not be lawful for the Commissioners (*a*) to charge the parties obtaining the same both with the [portion of the burgh general assessment applicable to water supply (*b*),] and

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

(*b*) In lieu of words within brackets, now read "water assessment." See Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, s. 4. (2.), p. 503.

also for the supply of water obtained by them; but the Commissioners (*a*) may either charge the said assessment leviable on such premises or charge for the supply of water furnished to the same, as they shall think fit; and it shall also be lawful for the Commissioners (*a*) to dispose of any surplus water, not required for any purpose within the burgh, to any person or persons outside the burgh, at such rate and upon such terms and conditions as may be agreed on. 55 & 56 Vict., Cap. 55,

It shall further be lawful for the Commissioners (*a*) to dispose of any surplus water not required for any of the purposes aforesaid within the burgh to the commissioners or trustees of any harbour or other person owning or managing any harbour within or near to the burgh for the purpose of supplying vessels within the harbour and for the extinction of fires in such vessels, or in any buildings or other property within the limits of the harbour and subject to the administration of such commissioners or trustees of the harbour or other persons, and such commissioners or trustees of the harbour or other persons may demand and levy from the owner, master, agent, manager, or other person in charge of any vessel applying for and receiving such supply of water, a reasonable sum of money in respect thereof, and in the event of disagreement as to the rate, terms, or conditions on which such supply shall be given by such commissioners or trustees of the harbour or other persons to such vessels, the same shall be fixed by the sheriff upon summary application by either of the parties, and the decision of the sheriff shall be final. [Supply of surplus water to Commissioners, &c. of harbours, &c.]

265. A supply of water for domestic and ordinary purposes shall not include a supply of water for cattle or for horses, or for washing carriages, or for steam engines, or for railway purposes, or for warming or ventilating purposes in public buildings, or for working any machine or apparatus, or for any trade, manufacture, or business whatsoever, or for watering gardens by means of any tap, tube, pipe, or other such like apparatus, or for fountains, or for flushing sewers or drains, or for public baths or washhouses, or for any ornamental purpose whatever. Supply of water for domestic purposes.

266. The Commissioners (*a*) may from time to time erect and maintain, or allow to be erected and maintained, in any street or public place any ornamental drinking fountain or trough. Drinking fountains.

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

55 & 56 Vict., Cap. 55.

Incorporation of certain provisions of the Waterworks Clauses Acts.

267. With respect to the supply of water all the clauses and provisions of the Waterworks Clauses Acts, 1847 and 1863, and any Act amending the same, with respect to the following matters; (that is to say,)

The construction of the waterworks:

The communication pipes to be laid by the inhabitants:

Waste or misuse of the water supplied by the undertakers:

Guarding against fouling the water of the undertakers:

The payment and recovery of the water rates:

The recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices or to the sheriff:

shall, so far as the same are not varied by the provisions of this Act, be incorporated with this Act; and the expression "the undertakers" in the said Waterworks Clauses Acts shall, in reference to this Act, mean the Commissioners (*a*) under this Act: Provided always, that the water to be supplied by the Commissioners (*a*) need not be constantly laid on under pressure; and provided also, that for shops the water rate, or portion of burgh general assessment applicable to water, shall be chargeable only on one fourth of the rental of the premises, unless in special circumstances the Commissioners (*a*) see cause to charge the ordinary rates, and in that case it shall be lawful for any person who may think himself thereby aggrieved to appeal to the sheriff in manner herein-after provided.

Byelaws in reference to water.

268. It shall be lawful for the Commissioners (*a*) to make byelaws regulating all or any matters and things whatsoever connected with the water to be supplied within the burgh through their pipes.

Provisions with respect to supplying water not to apply in certain cases.

269. The provisions of this Act with respect to supply of water shall not apply in the case of any burgh which is or may be before the thirty-first day of December, one thousand eight hundred and ninety-four, supplied with water under the powers of any local Act or Acts.

[The Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, s. 4. (5.), p. 503, provides that, notwithstanding anything contained in the above s. 269, the provisions of this Act with respect to supply of water shall apply in the case of any burgh which is supplied with water by the town council thereof under the powers of any local Act or Acts.

* * *

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

BYELAWS TO BE MADE BY VIRTUE OF THIS ACT. 55 & 56 Vict., Cap. 55.

Byelaws.

316. The Commissioners (*a*) may from time to time make byelaws as they think fit for the purposes after mentioned, videlicet:—

A.—For General Purposes.

* * *

(4.) For fixing the times of lighting and extinguishing the lights in common stairs, passages, or private courts, and the order or rotation in which the occupiers of houses or flats in common stairs, passages, or private courts shall be responsible for the lighting and extinguishing of such lights:

B.—For Sanitary Purposes.

(1.) For inspecting all places where horses are killed, and carrion is kept or sold, and keeping such places in a cleanly and proper state, and removing the filth therefrom, and requiring that all such places shall be provided by the occupiers with proper paving, drainage, and a sufficient supply of water:

* * *

(3.) For inspecting and periodical cleaning of cisterns erected in buildings for the use of two or more families.

* * *

The Commissioners (*a*) may from time to time repeal, alter, or amend any such byelaws, provided the byelaws after such repeal, alterations, or amendment, be not repugnant to the law of Scotland or the provisions of this Act, and be reduced into writing, and have affixed thereto the signatures of three of the Commissioners (*a*), and also of the clerk, and if they affect other persons than the officers or servants of the Commissioners (*a*), be confirmed and published as herein provided.

[**317-324.** Further Provisions as to Byelaws.]

* * *

PART V.

RATING AND BORROWING POWERS.

ASSESSMENT FOR GENERAL PURPOSES.

Commissioners (*a*) to levy burgh general assessment.

340. Once in each year the Commissioners (*a*) (being summoned in manner herein-before directed by notices, which shall state that the meeting is for the pur-

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

55 & 56 Vict., Cap. 55.

pose of laying on an assessment) shall assess all occupiers of lands or premises within the burgh, according to the valuation roll made up or according to an estimate of the valuation roll about to be made up in terms of the Acts in force for the valuation of lands and heritages in Scotland for the time, subject to the exceptions herein-after provided, in the sums necessary to be levied for the general purposes of this Act, and shall fix a day on or before which the same shall be payable, and another day upon which appeals by any person complaining that they have been improperly assessed shall be lodged with the clerk or collector, and another day or days on which such appeals shall be heard by the Commissioners (*a*); and the rate of assessment and day fixed by the Commissioners (*a*) for payment shall be published by handbills posted in the burgh, or by advertisement in one newspaper published or circulating therein: Provided always, that such assessment shall be imposed as from the term of Whitsunday in any one year to the term of Whitsunday in the following year, and shall not in any year exceed [a rate equal to four shillings in the pound of the gross yearly rent or value of such lands or premises where the Commissioners (*a*) have supplied or resolved to supply the burgh with water in terms of this Act or otherwise at (*b*)] a rate equal to two shillings in the pound of the gross yearly rent or value of such lands or premises; and such assessment shall for the purposes of this Act be called the burgh general assessment: Provided further that when in any burgh under the provisions of any Act of Parliament, a higher rate of assessment is now and has been in use to be levied upon lands or premises above a certain fixed rent than upon lower rental lands or premises, it shall be in the power of the Commissioners (*a*) in laying on the assessment under this Act to continue the same relative rates of assessment if they think proper.

* * *

Arable land, &c., how to be valued.

347. The annual value of the following lands or premises shall, for the assessments under this Act, be held to be one-fourth of the annual value thereof entered in the said valuation roll, viz.:—

1. * * *

2. All the underground gas and water pipes, or

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

(*b*) Words within brackets repealed by Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, in so far as they apply to burghs to which that Act applies from its commencement. See s. 7 of such Act, p. 504.

underground works of any gas or water company or corporation: 55 & 56 Vict., Cap. 55.

3. * * *

And where the Commissioners (*a*) shall have supplied or resolved to supply the burgh with water [in terms of this Act (*b*)] the annual value of all quarries and manufactories within the burgh shall, as regards the [burgh general assessment, so far as is applicable to water (*c*),] subject to the exception hereinafter provided, be held to be one fourth of the annual value thereof entered in the valuation roll; without prejudice, however, to the Commissioners (*a*) entering into agreements for the supply of water to such lands and premises in manner herein-before provided; and in the event of any dispute arising as to the lands and premises falling under the above exceptions, it shall be lawful for the owner or occupier of such lands and premises to present a petition to the sheriff, praying to have the same declared, for the time being, liable to assessment upon the said proportion of their value only; the judgment, if by the sheriff substitute, may be appealed to the sheriff, whose decision shall be final: Provided always, that where in any burgh such lands or premises as are in this section specified were prior to the passing of this Act liable to be assessed under any general or local police Act or under the Public Health Acts or the Local Government (Scotland) Act, 1889, on the annual value thereof, and moneys have been borrowed on the security of the assessments so authorised, or some of them, such lands or premises shall, in the case of any such burgh where the assessments on the security of which such moneys have been borrowed have been imposed, be liable to be assessed on the annual value thereof and in the same manner as heretofore until such borrowed moneys have been repaid.

* * *

(*a*) Now Town Council. See Town Councils (Scotland) Act, 1900, s. 8.

(*b*) Words within brackets repealed by Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, in so far as they apply to burghs to which that Act applies from its commencement. See s. 7 of such Act, p. 504.

(*c*) In lieu of words within brackets, now read "water assessment." See Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, s. 4. (3.), p. 503.

55 & 56 Vict., Cap. 130.

LONDON WATER ACT, 1892.

55 & 56 Vict., Cap. 130. An Act with respect to the Supply of Water in London and the neighbourhood. [27th June 1892.]

[Preamble.]

Short title.

1. This Act may be cited as the London Water Act 1892.

Powers for introduction of Bills in Parliament.

2. The London County Council shall have power from time to time to pay the costs and expenses of promoting Bills in Parliament relating to the supply of water in the administrative county of London and within the limits of supply of the metropolitan water companies:

"The metropolitan water companies" mean and include the several companies mentioned in the schedule to this Act.

Powers to make inquiries.

3. The London County Council shall have power to make inquiries as to the existing supply of water within the metropolitan water area and the charges made for the same and as to the possible sources of supply and may from time to time pay the costs and expenses of such inquiries and of any costs incurred by them in inquiries before Royal Commissions or otherwise to an extent not exceeding ten thousand pounds in addition to the sum which the Council were authorised to pay for similar purposes by section 38 of the London Council (General Powers) Act 1890 (*a*):

"The metropolitan water area" means the whole of the area within which any of the metropolitan water companies have powers of supply.

Payments under this Act.

4. All costs and expenses of the London County Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county

(*a*) viz., not exceeding £5,000. For power to London County Council to expend a sum not exceeding £1,000 in any one financial year in investigating subjects of general importance to the inhabitants of the county as such, see London County Council (General Powers) Act, 1893, s. 12.

purposes within the meaning of the Local Government Act 1888 and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner. 55 & 56 Vict., Cap. 130.

SCHEDULE referred to in the foregoing Act.

The Governor and Company of the New River brought from Chadwell and Amwell to London:
The East London Waterworks Company:
The Southwark and Vauxhall Water Company:
The Company of Proprietors of the West Middlesex Waterworks:
The Company of Proprietors of Lambeth Waterworks:
The Governor and Company of Chelsea Waterworks:
The Grand Junction Waterworks Company:
The Company of Proprietors of the Kent Waterworks.

56 & 57 Vict., Cap. 52.

BURGHS GAS SUPPLY (SCOTLAND) ACT, 1893.

56 & 57 Vict., Cap. 52. An Act to amend the Burghs Gas Supply (Scotland) Act, 1876.

[22nd September 1893.]

[Introductory words.]

Short title and construction.

1. This Act may be cited as the Burghs Gas Supply (Scotland) Act, 1893, and it shall be read and construed along with the Burghs Gas Supply (Scotland) Act, 1876.

Amendment of 39 & 40 Vict. c. 49. s. 18.

2. The provisions of the eighteenth section of the recited Act, which enact that the Commissioners for executing that Act shall not manufacture or store gas or any residual products upon any lands without the previous consent in writing of the owner, lessee, and occupier, of every dwelling-house situate within three hundred yards of the limits of such lands, shall be modified and altered to the following effect, viz.: It shall no longer be necessary to make the return to the Board of Trade required by the recited Act, but before proceeding with such manufacture or storage the Commissioners shall give notice in writing to every owner, lessee, and occupier of every dwelling-house situate within three hundred yards of the limits of the land in question and by advertisement published once a week for two weeks in any newspaper circulating within the burgh, of their intention to proceed with such manufacture and storage, and in the event of any owner, lessee, or occupier refusing or delaying to give the consent provided for in the recited Act for more than ten days after the last date of publication of such advertisement, the sheriff may, on the application of the Commissioners, and after such investigation and inquiry as he may deem necessary, by a deliverance under his hand find and declare that such consent may be dispensed with, and such deliverance shall be final and not subject to review, and the sheriff shall make such finding as to the expenses of the application as shall seem to him just in the circumstances.

It shall not be in the power of the Commissioners to renew such application until the expiration of a period of twelve months from the date of the deliverance.

In this section the word "sheriff" shall not include sheriff substitute.

PUBLIC AUTHORITIES PROTECTION ACT, 1893.

56 & 57 Vict., Cap. 61. An Act to generalize and amend certain statutory provisions for the protection of persons acting in the execution of statutory and other public duties. (*a*)

[5th December 1893.]

[Introductory words.]

Protection of persons acting in execution of statutory or other public duty.

1. Where after the commencement of this Act any action, prosecution, or other proceeding is commenced in the United Kingdom against any person for any act done in pursuance, or execution, or intended execution of any Act of Parliament, or of any public duty or authority, or in respect of any alleged neglect or default in the execution of any such Act, duty, or authority, the following provisions shall have effect:

(a) The action, prosecution, or proceeding shall not lie or be instituted unless it is commenced within six months next after the act, neglect, or default complained of, or, in case of a continuance of injury or damage, within six months next after the ceasing thereof:

(b) Wherever in any such action a judgment is obtained by the defendant, it shall carry costs to be taxed as between solicitor and client:

(c) Where the proceeding is an action for damages, tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after the tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after the tender or payment, and the defendant shall be entitled to costs, to be taxed as between solicitor and client, as from the time of the tender or

(*a*) Short Title, the Public Authorities Protection Act, 1893. See s. 5.

For repeal of provisions for which those contained herein are substituted, see s. 2.

56 & 57 Vict., Cap. 61.

payment; but this provision shall not affect costs on any injunction in the action:

(d.) If, in the opinion of the court, the plaintiff has not given the defendant a sufficient opportunity of tendering amends before the commencement of the proceeding the court may award to the defendant costs to be taxed as between solicitor and client.

This section shall not affect any proceedings by any department of the Government against any local authority or officer of a local authority.

Repeal.

2. There shall be repealed as to the United Kingdom so much of any public general Act as enacts that in any proceeding to which this Act applies—

(a.) the proceeding is to be commenced in any particular place; or

(b.) the proceeding is to be commenced within any particular time; or

(c.) notice of action is to be given; or

(d.) the defendant is to be entitled to any particular kind or amount of costs, or the plaintiff is to be deprived of costs in any specified event; or

(e.) the defendant may plead the general issue;

and in particular there shall be so repealed the enactments specified in the schedule to this Act (*a*) to the extent in that schedule mentioned.

This repeal shall not affect any proceeding pending at the commencement of this Act.

Saving as to Scotland.

3. This Act shall not apply to any action, prosecution, or other proceeding for any act done in pursuance or execution, or intended execution, of any Act of Parliament, or in respect of any alleged neglect or default in the execution of any Act of Parliament, or on account of any act done in any case instituted under an Act of Parliament, when that Act of Parliament applies to Scotland only, and contains a limitation of the time and other conditions for the action, prosecution, or proceeding.

Commencement.

4. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-four.

Short title.

5. This Act may be cited as the Public Authorities Protection Act, 1893.

(*a*) viz., so far as relates to Acts contained in this volume, the Lighting and Watching Act, 1833, s. 69, p. 24, and the Sale of Gas Act, 1859, ss. 27 and 28, p. 138.

56 & 57 Vict., Cap. 202.

LONDON COUNTY COUNCIL (SUBWAYS) ACT, 1893.

56 & 57 Vict., Cap. 202. An Act to confer further powers on the London County Council with respect to their existing subways.

[24th August 1893.]

[Preamble.]

Short title.

1. This Act may be cited for all purposes as the London County Council (Subways) Act 1893.

Interpretation.

2. In this Act—

The expression "the Council" means the London County Council;

The expression "the county" means the administrative county of London;

The expression "the company" means and includes any company body or person having any power of opening or breaking up a street in the county for laying any pipe or wire except the Commissioners of Sewers (*a*) of the City of London and a vestry (*b*) or district board of works (*b*) constituted and acting under the Metropolis Management Act 1855 and the Acts amending the same;

The expression "subway" means an arched passage or covered way existing at the passing of this Act and belonging to the Council under the surface of a street which passage or way is adapted for the reception of and affording convenient access to pipes and wires placed therein;

The expression "street" has the meaning assigned thereto in the Metropolis Management Act 1855 and the Metropolis Management Act 1862;

The expression "pipe" includes any pipe main valve tube or channel which may be laid in or under any street by the Company;

(*a*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

(*b*) Now a Metropolitan Borough Council. See London Government Act, 1899, s. 4, p. 483. As to Westminster, Council of City of Westminster. See London Gazette, October 30, 1900, as to Letters Patent constituting Westminster a City.

56 & 57 Vict., Cap. 202.

The expression "wire" includes any wire conductor or cable and any attachment thereto or covering or protection thereof any part of which is placed or may be placed under any street or any part of any street by the Company;

The expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

Removal of pipes and wires into subway.

3. The company (without the consent of the Council) shall not in a street where there is a subway interfere with the surface of the street for the purpose of laying or renewing a pipe other than a communication or supply pipe unless they shall have given seven days' notice in writing to the Council of their intention so to do And the Council may at any time within the said period of seven days by notice under the hand of their engineer require the company to lay such pipe in such subway.

Where the Council have a subway in any street it shall be lawful for the Council at any time by notice in writing to require the company to remove into such subway any then existing pipes or wires of the company in the street for the reception of which such subway shall be convenient Provided that where pipes for the supply of water or gas are required to be removed provision shall be made for the continuance of the supply during such removal unless with the consent of the person entitled to the supply.

The reasonable cost of such removal (including the cost involved in removing or altering communications between the pipe or wire removed and any house or building and the cost of providing for the continuance of any supply of water or gas during such removal) shall be defrayed by the Council and if any difference arise as to the reasonable amount of such cost the same shall be settled by an arbitrator.

If default be made by the company in the removal of any such pipe or wire the Council whether having the control or management of the surface and soil of the street or not may if they think fit take up the pipe or wire in respect of which default is made and may remove the same into the subway and if it be necessary for the purpose of such removal to substitute new pipes for any existing pipes in the street the arbitrator may apportion the cost of such substitution between the Council and the company if he considers the company derive any benefit from the substitution.

As to removal of pipes or

4. If under the powers of this Act the Council cause any pipe or wire to be removed into any part of any sub-

way over or near to the Metropolitan District Railway they shall not cause such pipe or wire to be placed in the subway in such a manner and position as may have the effect of disturbing or interfering with the action of any electric circuits from time to time used or intended to be used on or in connection with that railway for the purposes of telegraphic or telephonic communication or for electric signalling. 56 & 57 Vict., Cap. 202. wires into subway under this Act.

The Council shall be responsible for and make good to the Metropolitan District Railway Company all costs losses damages and expenses which may be occasioned to the said railway company in consequence of any works or proceedings of the Council or the construction use breakage leakage or failure of any pipes or wires for the time being placed in the subway caused by the Council or their officers servants or workmen and shall effectually indemnify and hold harmless the said railway company from all claims and demands upon or against them by reason of such works or proceedings or such construction use breakage leakage or failure.

5. It shall be lawful for the Council to make on the company using any subway a charge for the use of the subway and the supervision of such subway and the pipes and wires therein according to a scale to be determined as herein-after provided and until such scale is so determined the amount of such charge (if not agreed between the Council and the company using the subway) shall be determined by an arbitrator Provided that in the determination of such scale or of the amount of any such charge in the case of any water or gas company having statutory powers to break up streets regard shall be had only to such saving (if any) as may result to such company by reason of the pipe being laid and accessible in a subway instead of being laid or remaining under a street and to any other saving resulting to such company by reason of the subway and to the cost of management and supervision of the subway and the pipes therein. Charge for use of subway.

6. Where the Council have a subway in any street and so long as any such subway shall continue adapted for the reception of pipes and wires all power of the company for breaking up or interfering with the surface of the street beneath which the subway is made shall cease and determine except so far as may be necessary for any of the following purposes:— Cessor of powers to break up streets.

(A.) For removing pipes or wires into the subway;

(B.) For laying pipes and wires across the street from intersecting or side streets in which no

56 & 57 Vict., Cap. 202.

subways exist or in connection with valves works or appliances which for the purpose of regulating mains laid in subways may be brought to the surface of the street;

(c.) For obtaining access to pipes or wires already laid or placed in the street but which the Council shall not have required the company to move into a subway;

(d.) For forming connections between any pipes or wires in the subway and any house or building in the street or any public lamps so far as such connections cannot be formed through openings in the subway:

Any difference which may arise between the Council and the company under this section shall be referred to an arbitrator.

Maintenance of pipes and subway.

7. Every pipe and wire placed in any subway shall be maintained and kept in proper condition and repair by and at the expense of the company to whom it belongs under the supervision of the officer to be appointed for that purpose by the Council If the company fail at any time to keep any such pipe or wire in proper condition and repair it shall be lawful for the Council to place the same in proper condition and repair and execute any works which may be necessary for that purpose and the amount of any costs and expenses to which the Council may be put in connection with any such work shall be repaid on demand by the company to whom the pipe or wire belongs and in default of such payment may be recovered by the Council in a summary way Every subway shall be maintained and kept in proper condition and repair by the Council with efficient means of ventilation and free from water and other obstructions in the way of the company.

Superintendent of subways and other officers.

8. It shall be lawful for the Council to appoint and employ a superintendent of subways and such other officers and servants as they may find requisite for any of the purposes of this Act relative to subways.

Connections of wires in subway with overground wires.

9. Where the company is required under the powers of this Act to remove any wire or any part of a wire into a subway it shall be lawful for the company to open up any portion of street for the purpose of conveniently passing such wire into and out of the subway and of connecting it with any other wire of the company:

But any such interference shall be effected only in such manner and subject to and in accordance with such terms and conditions as in default of agreement between the com-

pany and the authority in whom the control of the street is vested shall be determined by an arbitrator who shall be appointed by the Board of Trade on the application of such authority or the company to whom the question refers. 56 & 57 Vict., Cap. 202.

10. The Council may from time to time make vary and enforce bye-laws with respect to any of the following matters:— Bye-laws.

The position and manner in which pipes and wires shall be placed in subways and the method in which they shall be brought into and taken out of subways;

The manner in which any repairs or alterations in any such pipes and wires may be made;

The control and regulation of persons resorting to any such subway and of all persons fixing or altering any pipe or wire therein;

The access to subways by officers and servants of the company and other persons;

The prohibition of any interference with any means of access to any subway;

The preparation deposit and correction of maps plans and particulars of existing and intended pipes and wires;

The materials and method to be employed in placing insulating and protecting wires in subways;

And generally as to matters connected with the use of subways:

And the Council may by such bye-laws fix and determine the scale of fees and charges to be paid by any company or person using any subway and the conditions to which any such company and person or persons employed by them and using the subways shall be subject and they may also by such bye-laws fix and determine the penalties to be imposed on the Company or any person failing to comply with any of the provisions of this Act and the continuing penalties to be imposed in the event of any such offence being continued:

Provided that no such bye-laws shall have any force or effect until they shall have been approved by the Board of Trade who may prescribe what notices of the intended bye-laws should be given prior to their being taken into consideration and provided that before any such bye-laws are proposed to the Board of Trade for confirmation notice thereof with copies of the intended bye-laws shall be given to the Postmaster-General.

11. No bye-laws made under the authority of this Act shall come into operation until the same be allowed by No bye-laws to come into operation until

56 & 57 Vict., Cap. 202.

the Board of Trade and twenty-one days' notice of the intention to apply to the Board of Trade for the allowance of such bye-laws shall be given to the company and the Board of Trade may allow disallow or alter any such bye-laws as they think proper.

allowed by the Board of Trade.

As to liability for accidents.

12. Nothing in this Act or in any bye-law made under this Act or any compliance with any of the provisions of this Act or of any such bye-law shall relieve the company from any liability to which they would be otherwise subject:

Provided that (without prejudice to any liability of the company) the Council shall pay and effectually indemnify the company against all claims demands damages and penalties to which the company may become liable in respect of any injury or damage caused by or consequent upon any act or operation of the company their officers or servants which act or operation is done to comply with any requisition of the Council under this Act or any bye-law made under this Act and is done with due and reasonable care and without negligence or default and also (in respect of any act or operation so done) against all damage which the company may sustain by reason or in consequence of any injury to any pipe or wire caused by or resulting from compliance with any requisition of the Council or with any bye-law under this Act and against any costs charges and expenses properly incurred by the company or for which the Company may become liable in reference to any such claims demands damages or penalties as aforesaid.

Cases of emergency.

13. Notwithstanding anything in this Act the company subject to and in accordance with the terms and conditions of their existing Acts may in any case of emergency and in order to repair remedy or prevent any accident open up any street in which any existing pipe or wire is laid Provided they shall as soon as possible serve on the Council notice of their proceeding to open up the street and specifying the purpose for which such opening is required.

Questions between Council and company referred to arbitration.

14. If any question shall arise between the Council and the company as to whether any subway is adapted for the reception of pipes or wires or affords convenient access to pipes or wires or as to the position or manner (where not prescribed by any bye-law) in which any pipe or wire shall be required to be laid such question shall be referred to the determination of an arbitrator.

Arbitrator.

15. Where under the provisions of this Act any

matter is referred to "an arbitrator" the reference shall be to an arbitrator who shall be appointed by the Board of Trade on the application of the Council or the company to whom the question refers and the Arbitration Act 1889 shall apply to the arbitrator and procedure before him. 56 & 57 Vict., Cap. 202.

16. No writ shall be issued against and no proceeding shall be instituted against the Council or any officer or person acting under their authority in reference to this Act except after such notice and subject to such conditions as are specified in section 106 of the Metropolis Management Act 1862 which section shall be deemed to be incorporated with this Act. Notice of action to be given to the Council.

17. Every sum of money required by this Act to be paid to the Council and every penalty imposed by this Act or by any bye-law made in pursuance thereof may be recovered by the Council in a summary way. Recovery of penalties.

18. All penalties which may be recovered under this Act or any of the bye-laws made by the Council under the powers of this Act shall notwithstanding anything contained in an Act made and passed in the session holden in the second and third year of the reign of Her present Majesty chapter seventy-one (*a*) or in any other Act or Acts to the contrary be paid to the Council and may be carried by them to the credit of the county fund. Penalties under bye-laws to be paid to Council.

19. The production of a copy of a bye-law made by the Council under this Act if authenticated by the corporate seal shall until the contrary is proved be sufficient evidence of the due making and existence of the bye-law and of the bye-law having been approved by the Board of Trade. Evidence of bye-laws.

20. Nothing in this Act shall be deemed to relieve the company from any obligation to which they are subject at the passing of this Act to give notice to any person or authority before commencing to open or interfere with any street. Company's obligation to give notice not to be affected.

21. The company shall not under the powers of this Act or any bye-law made under this Act be required to place any wire in any manner which shall be inconsistent with any regulation or condition for securing the safety of the public or for the protection of the electric lines and works of the Postmaster-General and of other electric Wires not to be inconsistent with regulations of Board of Trade.

(*a*) Short Title, "The Metropolitan Police Courts Act, 1839." See Short Titles Act, 1896, s. 1.

56 & 57 Vict., Cap. 202.

lines and works lawfully placed in any position and used for telegraphic communication made prescribed or imposed by the Board of Trade under the Electric Lighting Acts 1882 and 1888 or under any special Act or Provisional Order or licence under the provisions of the Electric Lighting Acts 1882 and 1888 or either of them.

Notice to Postmaster-General.

22. With regard to subways which the Postmaster-General is entitled to use under the Telegraph Act 1878 the company shall not under the power of this Act or any bye-law or regulation made under this Act be required to place or maintain any pipe or wire in any subway in which any telegraphic line of the Postmaster-General for the time being is placed until the Council shall have given notice in writing to the Postmaster-General describing the pipe or wire proposed to be placed in the subway and the position and manner in which the pipe or wire is proposed to be laid and used or worked and if within fourteen days after the service of such notice the Postmaster-General shall in writing object thereto on the ground that the placing or using or working of the pipe or wire in the position or manner proposed would injuriously affect such telegraphic line the company shall not be required so to place such pipe or wire unless or until the objection is withdrawn.

For protection of Postmaster-General.

23. Nothing in this Act or in any bye-law or regulation made under this Act shall apply (except by way of protection) to the Postmaster-General or to any telegraphic line belonging to or used by the Postmaster-General or to any support or attachment thereof and nothing in this Act or in any such bye-law or regulation shall be deemed to take away abridge or prejudicially affect any right or privilege conferred upon the Postmaster-General by the Telegraph Acts 1863 to 1889 or any of them or enjoyed or exercisable by the Postmaster-General Provided that persons resorting to any subway by the authority of the Postmaster-General shall be subject to the bye-laws to be made under this Act with respect to the control and regulation of persons resorting to the subways and the prohibition of any interference with any means of access to any subway.

Nothing in this Act shall be deemed to confer on the Postmaster-General any greater power of using any subway of the Council than he has at the date of this Act.

Act not to apply to any pipe or wire authorised to

24. This Act shall not apply to any pipe or wire authorised to be laid or placed by any Provisional Order or licence under the Electric Lighting Acts 1882 and 1888

or under any special Act incorporating the said Acts or (in respect of such wires) to any company authorised to lay or place the same. 56 & 57 Vict., Cap. 202.

be laid under Electric Lighting Acts.

25. Nothing in this Act contained shall be deemed to authorise the Council to confer any powers of placing wires for electric lighting purposes in any subway on any company body or person not authorised so to place such wires by a special Act Provisional Order or licence under the provisions of the Electric Lighting Acts 1882 and 1888.

Not to authorise placing unauthorised wires in subways.

26. All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888 and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner.

As to payments under this Act.

56 & 57 Vict., Cap. 73.

LOCAL GOVERNMENT ACT, 1894.

56 & 57 Vict., Cap. 73. An Act to make further provision for Local Government in England and Wales. (*a*) [5th March 1894.]

* * *

Transfer of powers under adoptive Acts.

7.—(1.) As from the appointed day, in every rural parish the parish meeting shall, exclusively, have the power of adopting any of the following Acts, inclusive of any Acts amending the same (all which Acts are in this Act referred to as "the adoptive Acts") namely,—

3 & 4 Will. 4. c. 90.

(a.) The Lighting and Watching Act, 1833;

* * *

(7.) When any of the adoptive Acts is adopted for the whole or part of a rural parish after the appointed day, and the parish has a parish council, the parish council shall be the authority for the execution of the Act.

* * *

Additional powers of parish council.

8.—(1.) A parish council shall have the following additional powers, namely, power—

* * *

(e) to utilise any well, spring, or stream within their parish and provide facilities for obtaining water therefrom, but so as not to interfere with the rights of any corporation or person; and

* * *

(i) to execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of any of the foregoing powers, or in relation to any parish property, not being property relating to affairs of the church or held for an ecclesiastical charity; and

(k) to contribute towards the expense of doing any of the things above mentioned, or to agree or combine with any other parish council to do or contribute towards the expense of doing any of the things above mentioned.

* * *

(*a*) Short Title, the Local Government Act, 1894. See s. 77.

(3.) Nothing in this section shall derogate from any obligation of a district council with respect to the supply of water or the execution of sanitary works. 56 & 57 Vict., Cap. 73.

* * *

[**16.** Complaint by parish council of default of district council.]

* * *

21. As from the appointed day,— Names of county districts and district councils.

(1.) Urban sanitary authorities shall be called urban district councils, and their districts shall be called urban districts; but nothing in this section shall alter the style or title of the corporation or council of a borough:

(2.) For every rural sanitary district there shall be a rural district council whose district shall be called a rural district:

(3.) In this and every other Act of Parliament, unless the context otherwise requires, the expression "district council" shall include the council of every urban district, whether a borough or not, and of every rural district, and the expression "county district" shall include every urban and rural district whether a borough or not.

* * *

33.—(1.) The Local Government Board may, on the application of the council of any municipal borough, including a county borough, or of any other urban district, make an order conferring on that council or some other representative body within the borough or district all or any of the following matters, namely, the appointment of overseers and assistant overseers, the revocation of appointment of assistant overseers, any powers, duties, or liabilities of overseers, and any powers, duties, or liabilities of a parish council, and applying with the necessary modifications the provisions of this Act with reference thereto. Power to apply certain provisions of Act to urban districts and London.

* * *

[**53.** Supplemental provisions as to adoptive Acts.]

* * *

76. This Act shall not extend to Scotland or Ireland. Extent of Act.

77. This Act may be cited as the Local Government Act, 1894. Short title.

* * *

57 & 58 Vict., Cap. 58.

LOCAL GOVERNMENT (SCOTLAND) ACT, 1894.

57 & 58 Vict., Cap. 58. An Act to establish a Local Government Board for Scotland, and make further provision for Local Government in Scotland, and for other purposes. [25th August 1894.]

[Introductory words.]

Short title. 52 & 53 Vict. c. 50.

1. This Act may be cited as the Local Government (Scotland) Act, 1894, and this Act, and the Local Government (Scotland) Act, 1889, (herein-after called the principal Act,) shall, except as otherwise provided by this Act, be construed as one Act, and may be cited together as the Local Government (Scotland) Acts.

Extent of Act.

2. This Act shall extend to Scotland only.

* * *

Establishment of parish councils.

8. A council, in this Act referred to as a parish council, shall be established in every parish.

* * *

Parochial boards to cease.

21. On and after the fifteenth day of May in the year one thousand eight hundred and ninety-five, all enactments regulating the constitution and election of parochial boards shall be repealed, and the parochial board of any parish shall continue to hold office only until the said day, and no longer; and on and after such day, every reference in any Act of Parliament, scheme, deed, or instrument to a parochial board constituted under the law in force at the passing of this Act, shall be read and construed as referring to a parish council constituted under this Act.

Parish councils to take the place of parochial boards.

22. A parish council shall, subject to the provisions of this Act, come in place of a parochial board and shall be deemed to be a continuance thereof, and a parish council shall have and may exercise all the powers and duties, and shall be subject to all the liabilities of a parochial board, and all the provisions of any Act of Parliament in force at the passing of this Act relating to or dealing with the powers and duties of parochial boards, and the appointment, powers, and duties of their officers, in so far as not inconsistent with this Act, shall subsist and have effect.

* * *

57 & 58 Vict., Cap. 58.

32. Every parish council elected in pursuance of this Act shall be incorporated under the name of the parish council of the parish, with power to sue and be sued, and shall have perpetual succession.

Incorporation of parish council.

* * *

Formation of lighting and scavenging districts and provision of public baths.

44.—(1.) It shall be lawful in a county for a parish council or for any two or more parish councils, or for not fewer than ten parish electors of any landward parish or of the landward part of any parish partly landward and partly burghal, to make a requisition in writing to the district committee of the county council, or when a county is not divided into districts to the county council, calling upon them to form such parish or parishes or landward part of a parish or any portion or portions thereof into a special district for the following purposes or any one or more of them; that is to say,—

(*a.*) The lighting of the special district and the adoption for such purpose by the district committee or county council as the case may be of the provisions contained in sections ninety-nine to one hundred and five inclusive of the Burgh Police (Scotland) Act, 1892, or any one or more of them:

55 & 56 Vict. c. 55.

* * *

[(2.)-(8.) Provisions relating to formation of such districts.]

(9.) From and after the first election in a county of parish councillors, sub-section one of section eighty-one of the principal Act shall be read as if for the words "shall "in part consist of persons, whether members of the "district committee or not, who are resident within the "special drainage district or special water supply district," there were substituted the words "shall in whole or in part "consist of parish councillors of the parish or parishes in "which the special district is situated, whether members "of the district committee or not," and the number of a sub-committee appointed under the said section may, failing agreement between a district committee or county council and a town council or the commissioners of a police burgh, be determined by the Secretary for Scotland.

(10.) Upon the formation of a special lighting district under the provisions of this section it shall be lawful for the district committee to adopt the Burghs Gas Supply (Scotland) Act, 1876, and any Act amending the same, but in such case the provisions of the principal Act with respect to capital, expenditure, borrowing, and audit of accounts shall apply in lieu of the corresponding pro-

39 & 40 Vict. c. 49.

57 & 58 Vict., Cap. 58.

visions of the former Acts or of this section; and in the application of the former Acts the expression "burgh" shall be construed to mean special lighting district, "commissioners" "town council" and "commissioners of police" to mean district committee, and "elector" and "ratepayer" to mean a person registered as a county elector the subject of whose qualification is situated within the special lighting district.

Definitions.

* * *

54. Expressions used in his Act have the same meaning, if not inconsistent with the context, as expressions used in the principal Act: Provided that, if not inconsistent with the context—

* * *

The expression "parish" means a parish quoad civilia which is at the passing of this Act or may hereafter be constituted a separate parish for the purposes of settlement and relief of the poor, and includes a combination of parishes within the meaning of section sixteen of the Poor Law (Scotland) Act, 1845:

The expression "burghal parish" means a parish which is wholly comprised within the boundaries of a burgh, and the expression "landward parish" means a parish no part of which is comprised within the boundaries of a burgh:

The boundaries of burghs for the purposes of this Act shall be held to be the boundaries thereof as the same are or may be ascertained, fixed, or determined for police purposes, under the provisions contained in any general or local Act of Parliament, or, when no police assessment is levied, as the same are or may be ascertained, fixed, or determined for municipal purposes:

The expression "burghal part of a parish" means any part of a parish comprised within the boundaries of a burgh, and the expression "landward part of a parish" means any part of a parish not comprised within the boundaries of a burgh:

57 & 58 Vict., Cap. 187.

THAMES CONSERVANCY ACT, 1894.

57 & 58 Vict., Cap. 187. An Act to amend the constitution of and consolidate amend and extend the statutory powers of the Conservators of the River Thames to make further provision for the preservation and improvement of the said River for purposes of Navigation for profit and pleasure and as a source of Water Supply for the Metropolis and the Suburbs thereof and for other purposes. [17th August 1894.]

[Preamble].

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Thames Conservancy Act 1894.

* * *

Interpretation.

3. In this Act the following words and expressions have the meanings hereby assigned to them respectively unless there be something in the subject or context repugnant to such construction namely:—

The word "Conservators" means Conservators of the River Thames whether before or after the passing of this Act;

The expression "the Common Council" means the mayor aldermen and commons of the city of London in common council assembled;

* * *

The expression "the metropolitan water companies" means and includes the Governor and Company of the Chelsea Waterworks the Company of Proprietors of Lambeth Waterworks the Grand Junction Waterworks Company the Southwark and Vauxhall Water Company the Company of Proprietors of the West Middlesex Waterworks and the East London Waterworks Company;

* * *

57 & 58 Vict., Cap. 187.

The expression "the secretary" means the secretary of the Conservators;

* * *

The expression "the Thames" means and includes so much of the Rivers Thames and Isis respectively as are between the town of Cricklade in the county of Wilts and an imaginary straight line drawn from the entrance to Yantlet Creek in the county of Kent to the City Stone opposite to Canvey Island in the county of Essex and so much of the River Kennet as is between the common landing-place at Reading in the county of Berks and the River Thames and so much of the River Lee and Bow Creek respectively as are below the south boundary stones in the Lee Conservancy Act 1868 mentioned and all locks cuts and works within the said portions of rivers and creeks Provided that no dock lock canal or cut existing at the passing of this Act and constructed under the authority of Parliament and belonging to any body corporate established under such authority and no bridge over the River Thames or the River Kennet belonging to or vested in any county council or municipal authority or to or in any railway company shall be deemed to form part of the Thames;

The word "shore" means the shores of the Thames so far as the tide flows and reflows between high and low water marks at ordinary tides;

* * *

The word "vessel" includes any ship lighter keel barge launch house-boat pleasure or other boat randan wherry skiff dingey shallop punt canoe yacht raft float of timber or craft whatever however navigated;

* * *

The word "master" when used in relation to any vessel means any person whether the owner master or other person lawfully or wrongfully having or taking the command charge or management of the vessel for the time being;

* * *

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor;

The word "London" used in connexion with the

publication of any notice or byelaw (proposed or made) means the administrative county of London : 57 & 58 Vict., Cap. 187.

* * *

Pollution.

Interpretation in provisions of this Act relating to pollution.

90. In the provisions of this Act relating to pollution the word "tributary" means and includes the whole and every part of any and every river stream watercourse cut dock canal channel and water being within all or any of the several counties of Gloucester Wilts Oxon Bucks Berks Hants Surrey Middlesex Herts Essex and Kent and administrative county of London and being within the catchment area of the Thames and communicating either directly or indirectly with the Thames except as follows :—

(1.) So much as is more than three miles from the Thames of every river stream watercourse cut dock canal channel and water which first communicates whether directly or indirectly with the Thames at a point eastward of the western boundary of the county of London ;

(2.) So much of the River Lee as is above the south boundary stones in the Lee Conservancy Act 1868 mentioned ;

(3.) Every river stream watercourse cut dock canal channel and water which is within the catchment area of so much of the River Lee as is above the said stones ; and

(4.) Every cut dock and canal belonging to any of the dock companies established under the authority of Parliament at the port of London or to any other company established under such authority and owning any dock within that port.

Duty of Conservators to preserve flow and purity of water.

91. It shall be the duty of the Conservators by all lawful and proper means to preserve and maintain at all times as far as may be the flow and purity of the water of the Thames and its tributaries down to the western boundary of the county of London and to cause the surface of the Thames and its tributaries within three miles of the Thames to be (as far as is reasonably practicable) effectually scavenged down to the said western boundary in order to the removal therefrom of substances liable to putrefaction.

Prohibition of throwing ballast, &c. into river or allowing offensive matter to flow into it.

92. If any person without lawful excuse (the proof whereof shall lie upon him) does any of the following things namely :—

(1.) Unloads throws or puts or causes or suffers to fall any gravel or any substance which has been used as ballast or any stones earth mud ashes

57 & 58 Vict., Cap. 187.

dirt soil or rubbish or any refuse from gasworks or other manufactories into the Thames or on the shore thereof;

(2.) Unloads throws or puts or causes or suffers to fall any such gravel or other thing as aforesaid into any tributary at any point within three miles of the Thames so that the same will or may be carried into the Thames;

(3.) Knowingly puts any such gravel or other thing as aforesaid in any place where the same is likely to be carried by floods or extraordinary tides into the Thames;

(4.) Wilfully causes or suffers any washing or other substance produced in making or supplying gas or any other offensive matter whether solid or fluid to flow or pass into the Thames or into any tributary;

(5.) Puts and allows to remain for more than forty-eight hours any heap or collection of manure ashes or other offensive matter whether solid or fluid upon any bank of the Thames or of any tributary at any point within three miles of the Thames or puts and allows to remain for more than forty-eight hours any such heap or collection near to the Thames or any tributary at any point within the distance aforesaid so that the same will or be likely to drain be blown or pass into the Thames or such tributary;

he shall for every such offence be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

Where any offence against this enactment is committed from or out of a vessel the master and the owner of the vessel shall be liable to be proceeded against and punished under this enactment so that the master and the owner of the vessel be not both punished in respect of the same offence.

Any constable and any person whom a constable may call to his assistance may take into custody without warrant any person found committing any offence against sub-sections (1) (2) (3) or (4) of this enactment as to whose name and address such constable is not reasonably satisfied.

Provided always that sub-section (4) of this section shall not extend or apply to any vessel within the limits of the port of London and under the jurisdiction of the port sanitary authority thereof.

57 & 58 Vict., Cap. 187.

Sewage &c. prohibited from being sent into Thames &c. where not lawfully so sent at passing of Act.

93. If any person does any of the following things namely:—

(1) Opens into the Thames or into any tributary any sewer drain pipe or channel whereby sewage or any other offensive or injurious matter whether solid or fluid shall or is likely to flow or pass into the Thames or into such tributary;

(2.) Wilfully causes or without lawful excuse (the proof whereof shall lie upon him) suffers any sewage or matter aforesaid to flow or pass into the Thames or into any tributary down or through any sewer drain pipe or channel not at the passing of this Act lawfully used for that purpose;

he shall for every such offence be liable to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

Notice for discontinuance of pollution.

94.—(1) Whenever any sewage or matter aforesaid is caused or suffered to flow or pass into the Thames or into any tributary then and in every such case even though such sewage or matter aforesaid had been lawfully so caused or suffered to flow or pass before the passing of this Act the Conservators shall give notice in writing to the person causing or suffering the same so to flow or pass requiring him within a time to be specified in such notice but not being less than three months to discontinue such flow or passage.

(2) Provided that the Conservators may if they think fit at any time and from time to time extend the time specified in such notice by another notice in writing.

(3) And provided that if any person to whom any such notice is given thinks himself aggrieved by reason of the time allowed either by the original or by any subsequent notice not being sufficient he may not later than one month before the expiration of the time so allowed by writing delivered to the secretary demand an extension of such time and in case the Conservators refuse to comply with such demand the question of such extension shall be referred to an arbitrator appointed by agreement or failing agreement by the Board of Trade on the application of either party.

(4) Any person to whom any notice is under this section given by the Conservators shall notwithstanding anything in any other Act within the time allowed by such notice subject to any extension of such time as in this section provided discontinue the flow or passage of the sewage or matter to which the notice refers and in default of so doing shall be guilty of a misdemeanor and be liable

57 & 58 Vict., Cap. 187.

on summary conviction thereof or on conviction thereof on indictment to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

(5) Provided that notwithstanding anything in this Act or in any Act incorporated therewith any proceeding in respect of such a misdemeanor may be removed by certiorari into the High Court.

Notice to affect successive owners &c.

95. Any notice given under the provisions of this Act relating to pollution by the Conservators to the owner or occupier of any land or premises shall continue in force notwithstanding any temporary or partial suspension of the flow or passage of sewage or matter aforesaid from such land or premises and notwithstanding any change in the ownership or occupation of such land or premises and shall affect the owners and occupiers of such land or premises in succession to the owner or occupier upon whom such notice was served in like manner in every respect and with the same obligations and consequences as though such successive owners or occupiers were the owner or occupier upon whom such notice was served.

Proceedings for default not to be taken in certain cases.

96. When any such notice has been given with respect to the discontinuance of the flow or passage of any sewage or matter aforesaid from any land or premises used for manufacturing purposes and not situated in a town and for three years thereafter no proceedings have been taken by the Conservators in respect of any default in complying with such notice then and in every such case no proceedings shall be taken in respect of any such default unless the Conservators before commencing such proceedings have given a renewal or copy of such notice to the person liable in respect of such default and such person has suffered one month to elapse after the receipt of such notice and has not during such period complied with the requirements of such notice.

Continuance of notices given before passing of this Act.

97. Every notice given by the Conservators under the authority of the Acts by this Act repealed or of any of those Acts to the owner or occupier of any premises with respect to the discontinuance of the flow or passage of sewage or any other offensive or injurious matter from such premises shall notwithstanding the repeal of the said Acts continue in force and so far as any such notice was duly given shall be deemed to be a notice duly given for a like purpose under the authority of this Act Provided that where any such notice requires anything to be discontinued within a time therein specified or where the said repealed Acts or any of those Acts required anything to be

discontinued within any time from the giving of such notice prescribed by such Acts or any of those Acts or where under such Acts or any of those Acts such notice would if this Act had not been passed be in force for any prescribed time then in any and every of those cases such time shall be reckoned as it would have been reckoned if this Act had not been passed. 57 & 58 Vict., Cap. 187.

Power to enter and inspect lands &c. for purposes of this part of Act.

98. For the purpose of giving effect to the provisions of this Act relating to pollution the Conservators and their officers on producing if required so to do a certificate of their personal authority signed by the secretary may from time to time and at any time between the hours of nine in the forenoon and four in the afternoon enter upon any land or premises for the purpose of examining and laying open the same and if admission is refused any court of summary jurisdiction on complaint thereof on oath by any officer of the Conservators (made after reasonable notice in writing of the intention to make the same has been given to the person having custody of the land or premises) may by order require the person having custody of the land or premises to admit during the hours aforesaid the Conservators and their officers or any of them upon the land or premises and to permit them or any of them to examine and lay open the same and if no person having custody of the land or premises can be found the court shall on oath made before it of that fact by order authorise the Conservators and their officers or any of them during the hours aforesaid to enter upon such land or premises and to examine and lay open the same.

Any order made under this section shall continue in force until the examination and laying open of the land or premises for the purposes of which such order was made are completed.

Any person who refuses to obey an order made under this section shall be liable to a penalty not exceeding five pounds.

Where in the exercise of any of the powers by this section conferred the Conservators and their officers or any of them lay or lays open any land or premises they or he shall forthwith make and complete such examination and fill in and make good the surface of such land and restore the same or such premises (as the case may be) as near as may be to the former condition thereof.

Where any person sustains any damage by reason of the exercise of any of the powers of this section in relation to any matter as to which he is not himself in default full compensation shall be made to such person by the Conservators and any dispute as to the fact of damage or

57 & 58 Vict., Cap. 187.

amount of compensation shall in default of agreement be ascertained by and recovered before a court of summary jurisdiction Provided always that the provisions of this section shall not apply within the limits of the port of London under the jurisdiction of the port sanitary authority thereof.

Sanitary authorities owners and occupiers to afford information.

99. For the purpose of giving effect to the provisions of this Act relating to pollution the urban or rural sanitary authority of any district in which and every person owning or occupying any lands on in through or under which any sewer or drain being within all or any of the several counties of Gloucester Wilts Oxon Bucks Berks Hants Surrey Middlesex Herts Essex and Kent and administrative county of London and being within the catchment area of the Thames exclusive of the catchment area of so much of the River Lee as is above the south boundary stones in the Lee Conservancy Act 1868 mentioned is situate shall within twenty-eight days after application in writing therefor made to such authority or person (as the case may be) by the Conservators (such application being addressed in the case of a sanitary authority to the clerk of such authority) produce for inspection by the Conservators all such plans (in his possession) of and if requested so to do furnish to the Conservators at reasonable charges to be paid by the Conservators copies of all such plans of such sewer or drain as and furnish to the Conservators all such information as to such sewer or drain and the ownership of or control over the same as such authority or person (as the case may be) may be able to produce or furnish and if any such authority or person (as the case may be) shall make default in so doing they or he (as the case may be) shall be liable for every such offence to a penalty not exceeding five pounds.

Power to stop up outlets of sewers &c.

100. After the conviction of any person of an offence against the provisions of the sections of this Act whereof the marginal notes are "Sewage &c. prohibited from being "sent into Thames &c. where not lawfully so sent at pass-"ing of Act" and "Notice for discontinuance of pollu-"tion" or of either of those sections the Conservators may with the sanction of the court which so convicted such person (but not otherwise) stop up the outlet of any sewer drain pipe or channel in respect of or by means of which such offence was committed or whereby flowed or passed the sewage or matter for not discontinuing the flow or passage of which such person was convicted of an offence as aforesaid and for that purpose may do all works that appear to them requisite and may enter on any lands and the court may order that the Conservators may recover

from the person offending all expenses incurred by them in so doing with costs either as a penalty under this Act is recoverable or as a debt in any court of competent jurisdiction If any person at any time prevents obstructs or hinders the Conservators from or in stopping up any outlet as aforesaid or unstops or damages any works for stopping up any outlet stopped up by the Conservators under this section he shall for every such offence be liable to a penalty not exceeding twenty pounds: 57 & 58 Vict., Cap. 187.

Provided that no sewer drain pipe or channel discharging into the Thames below Teddington Lock and vested in any local authority shall be stopped up if such local authority have taken or be taking all practical means to procure the conviction of the actual offender.

For preventing pollution power to board and inspect vessels in Thames above Teddington Lock.

101. The Conservators and their officers or any of them on producing if required so to do a certificate of their or his personal authority signed by the secretary may once in every year and at any other time when they or he have or has reasonable cause to suspect that any alteration has been made since the last inspection in the sanitary arrangements of the vessel board and inspect at any reasonable time every part of any vessel being in the Thames above Teddington Lock for the purpose of ascertaining whether any sewage or any other offensive or injurious matter whether solid or fluid is passing or can pass into the Thames from or out of such vessel If any person obstructs or hinders the Conservators and their officers or any of them in the exercise of the powers conferred by this section he shall for every such offence be liable to a penalty not exceeding five pounds.

[**102.** Weeds, &c. not to be thrown in Thames.]

Right to prosecute to be in Conservators only.

103. It shall not be competent for any person other than the Conservators their officers attorneys solicitors or agents to institute or carry on any proceeding or prosecution under the provisions of this Act relating to pollution.

Act not to legalise nuisances or affect other remedies.

104. Nothing in the provisions of this Act relating to pollution shall be deemed to legalise or permit any nuisance or shall take away or prejudicially affect any remedy or right which any person would or might have had or exercised if this Act had not been passed as against any person for the time being causing or suffering the flow or passage of any sewage or matter aforesaid.

[**105.** Provision as to West Ham Corporation (as to sewerage works).]

[**106.** For protection of cultivation of watercress.]

57 & 58 Vict., Cap. 187.

For protection of Medway Conservators.

107. Nothing in the provisions of this Act relating to pollution shall extend to the River Medway or in any way affect the rights and powers of the Conservators of the said River Medway.

[**108.** For Protection of Victoria Steamboat Association.]

* * *

Service of notice on other persons.

199. Any notice which the Conservators may be required or authorised to give to any person may be served on such person either personally or on his known agent or by sending the same through the post in a prepaid letter addressed to him or to his known agent by name at his last known place of abode or business or by delivering the same to some inmate at his last known or usual place of residence or business or in case the place of abode or business of the person to be served is unknown it shall be sufficient to affix the notice or a copy thereof on some conspicuous part of the premises (if any) to which the notice may relate.

Service by letter under this section shall be deemed to be effected on the day on which such letter would be delivered in the ordinary course of post and in proving such service it shall be sufficient to prove that the letter was properly addressed and put into the post.

* * *

Recovery of penalties &c.

201. Offences against this Act or any byelaw of the Conservators for the time being in force and penalties fines forfeitures costs damages and expenses imposed or recoverable under this Act or any such byelaw may be prosecuted and recovered in a summary manner.

Persons causing &c. others to offend against this Act &c. liable to penalties &c.

202. Where the doing of any act or thing is made punishable by this Act or by any byelaw of the Conservators for the time being in force with any penalty fine or forfeiture the causing procuring or permitting such act or thing to be done shall be punishable in like manner.

* * *

PART V.

WATER COMPANIES.

Control by metropolitan companies of works of Conservators.

291. If at any time any work is done or executed or proposed to be done or executed by the Conservators which in the opinion of any of the metropolitan water companies will injuriously affect either the flow or the purity of the water of the Thames above or at the place where such company draw their supply the company may

give notice in writing under their common seal to the Conservators requiring them to alter such work or not to do or execute the proposed work as the case may be and unless the Conservators be willing to comply with such notice the matter shall be referred to an engineer to be nominated by the Board of Trade on the application of the company or the Conservators and such referee shall decide what shall be done in the premises and his decision shall be final and the costs of every such reference shall be in the discretion of the referee. 57 & 58 Vict., Cap. 187.

Contributions by companies.

292. The metropolitan water companies the West Surrey Water Company and the South West Suburban Water Company respectively shall pay to the Conservators the annual sum mentioned in the second column of the Sixth Schedule to this Act opposite the name of such company in the first column of such schedule and each of such sums shall be payable by equal half-yearly payments on the twenty-fourth day of June and the twenty-fifth day of December in every year the first half-yearly payment to become due on the twenty-fifth day of December or the twenty-fourth day of June which shall be next after the passing of this Act such payments in the case of each of the metropolitan water companies to be exclusive and in the case of the West Surrey Water Company and in the case of the South West Suburban Water Company to be inclusive of all payments under any of the agreements mentioned in the Seventh Schedule to this Act or under any other Act not repealed by this Act payable to the Conservators by such company.

Contributions by companies to be first charge on their receipts.

293. The payments to be made under this Act by the metropolitan water companies the West Surrey Water Company and the South West Suburban Water Company respectively shall be the first charge on the net receipts of the said respective companies after and subject only to any debts or charges which were on the eighth day of August one thousand eight hundred and seventy-eight (being the date of commencement of the Act of 1878) payable thereout or charged thereon respectively and in priority to any claim of any shareholders stockholders proprietors or members of or in the said respective companies to any dividend or share of profits or receipts and from and after the twenty-fourth day of June or the twenty-fifth day of December which shall be next after the passing of this Act it shall not be lawful for any of those companies at any time to pay or divide any dividend or share of profits or receipts to or among any shareholders stockholders proprietors or members of or in that company unless and

57 & 58 Vict., Cap. 187.

until the same company have paid to the Conservators the half-yearly payment accrued due from that company under this Act at the then last preceding twenty-fourth day of June or twenty-fifth day of December as the case may be.

Payments of companies to be without deduction and free from taxes &c.

294. The half-yearly payments to be made as aforesaid by the metropolitan water companies the West Surrey Water Company and the South West Suburban Water Company respectively shall be made without deduction and all sums so paid shall in the hands of the Conservators be free from all parliamentary parochial and other general and local taxes rates and assessments whatever.

Power of intersale by metropolitan water companies.

295. Subject and without prejudice to all other terms and conditions in any agreement or Act subsisting and in force at the passing of the Act of 1878 and subject and without prejudice to any agreements validly made under the powers of section 15 of that Act and subject as hereinafter in this section provided it shall be lawful for any one of the metropolitan water companies to supply any part of the total quantity of water which such company are empowered to take from the Thames or from any tributary thereof and which is not required for the purposes of the district of supply of such company to any other or others of the said companies to be used only for the purposes for which the said companies are respectively empowered to provide and use water Provided that the total quantity of water supplied under the powers of this section by any one of the said companies shall not exceed the total quantity which might have been supplied by such company under the powers of section 15 of the Act of 1878 if that section had not been repealed and this Act had not been passed And provided that every agreement for a continuing supply under the powers of this section shall be made in writing and shall contain due provision that the supply so made shall not be withdrawn without the consent of the purchasing company.

Restriction on quantity of water which may be taken by companies.

296. Subject to the provisions of this Act contained in the section thereof whereof the marginal note is "Power of intersale by metropolitan water companies" the metropolitan water companies the West Surrey Water Company and the South West Suburban Water Company respectively shall not unless and until otherwise authorised so to do by Parliament take a quantity of water from the Thames in any day of twenty-four hours calculated from midnight to midnight greater than the quantity which such company might have lawfully taken in any such day on or before the fifth day of April one thousand eight hundred and ninety-four.

57 & 58 Vict., Cap. 187.

As to ascertaining quantities of water taken from Thames.

297.—(1) The metropolitan water companies the West Surrey Water Company and the South West Suburban Water Company respectively shall at the cost of them respectively within one year from and after the passing of this Act provide and thereafter maintain in good working order suitable appliances to be approved by the Conservators for measuring or otherwise ascertaining the quantity of water taken by such companies respectively from every source of supply of such companies respectively from the Thames.

(2) The metropolitan water companies the West Surrey Water Company and the South West Suburban Water Company respectively shall in every week after providing any such appliances make to the Conservators a correct return in writing of the total quantity of water taken on each day calculated as aforesaid in the week ending at midnight on the Saturday then last from every source of supply of such company in respect of which such appliances shall have been provided.

(3) The engineer of the Conservators shall and any other person from time to time thereunto authorised by the Conservators under the hand of the chairman of the Conservators or the secretary shall at all reasonable times have access to all or any part of the premises of the metropolitan water companies the West Surrey Water Company and the South West Suburban Water Company respectively for the purpose of inspecting all or any such appliances and of checking the returns made by such companies respectively and the said companies respectively shall give to such engineer or other person all necessary facilities for inspecting and checking as aforesaid.

(4) In case any dispute shall arise between the Conservators and any company with reference to the appliances to be provided as aforesaid or to the condition of any appliances provided by such company or to the correctness of any return by this section required to be made by such company the matter shall be referred for determination to the arbitration of an engineer to be appointed by the Board of Trade on the application of either of the parties to such dispute.

Acquisition by agreement of right of abstracting water from the Thames.

298. Where any person is entitled under any Act of Parliament grant custom or otherwise to any right of abstracting or appropriating water which might otherwise flow or find its way into the Thames it shall be lawful for any such person on the one hand and the Conservators or any other person on the other hand to enter into and carry into effect an agreement or agreements for the conveyance of such right to the Conservators and every such right may

57 & 58 Vict., Cap. 187.

be conveyed to the Conservators by deed and shall as from the date of such conveyance be absolutely extinguished to the intent that such water shall thereafter be allowed to flow into the Thames:

And it shall be lawful for any of the metropolitan water companies to make contributions out of their capital or revenue for or in aid of the acquisition and extinguishment of any such right and for the Conservators to accept such contributions and contributions from any other person and to employ such contributions for or in aid of the acquisition and extinguishment of any such right.

* * *

THE SIXTH SCHEDULE.

Sums annually payable under this Act by Water Companies to Conservators.

Companies.	Amounts of Annual Payments.
	£
The Governor and Company of Chelsea Waterworks	3,169
The Company of Proprietors of Lambeth Waterworks	3,357
The Grand Junction Waterworks Company	3,378
The Southwark and Vauxhall Water Company	3,378
The Company of Proprietors of the West Middlesex Waterworks	3,378
The East London Waterworks Company	2,840
The West Surrey Water Company	50*
The South West Suburban Water Company	115

* NOTE.—If the West Surrey Water Company in any year take from the Thames a quantity of water exceeding an average daily quantity of 500,000 gallons the amount of that Company's annual payment shall in that year and thereafter be 100*l.* if exceeding an average daily quantity of 1,000,000 gallons the amount aforesaid shall be 150*l.* and so on.

THE SEVENTH SCHEDULE.

Agreements under which Water Companies pay annual sums to Conservators.

Dates of Agreements.	Parties to Agreements.
17th June 1852 - -	The Governor and Company of Chelsea Waterworks and the Common Council.
23rd December 1886 -	The same and the Conservators.
24th June 1851 - -	The Company of Proprietors of Lambeth Waterworks and the Common Council.
23rd December 1886 -	The same and the Conservators.
23rd June 1852 - -	The Grand Junction Waterworks Company and the Common Council.
23rd December 1886 -	The same and the Conservators.
1st July 1852 - -	The Southwark and Vauxhall Water Company and the Common Council.
23rd December 1886 -	The same and the Conservators.
22nd June 1852 - -	The Company of Proprietors of the West Middlesex Waterworks and the Common Council.
23rd December 1886 -	The same and the Conservators.
22nd October 1888 -	The South West Suburban Water Company and the Conservators.

59 & 60 Vict., Cap. 36.

LOCOMOTIVES ON HIGHWAYS ACT, 1896.

59 & 60 Vict., Cap. 36. An Act to amend the Law with respect to the Use of Locomotives on Highways. (*a*) [14th August 1896.]

[Introductory words.]

Exemption of light locomotives from certain statutory provisions.

1.—(1.) The enactments mentioned in the schedule to this Act, and any other enactment restricting the use of locomotives on highways and contained in any public general or local and personal Act in force at the passing of this Act, shall not apply to any vehicle propelled by mechanical power if it is under three tons in weight unladen, and is not used for the purpose of drawing more than one vehicle (such vehicle with its locomotive not to exceed in weight unladen four tons), and is so constructed that no smoke or visible vapour is emitted therefrom except from any temporary or accidental cause; and vehicles so exempted, whether locomotives or drawn by locomotives, are in this Act referred to as light locomotives.

Provided that—

(*a*) the council of any county or county borough shall have power to make byelaws preventing or restricting the use of such locomotives upon any bridge within their area, where such council are satisfied that such use would be attended with damage to the bridge or danger to the public:

(*b*) a light locomotive shall be deemed to be a carriage within the meaning of any Act of Parliament, whether public general or local, and of any rule, regulation, or byelaw, made under any Act of Parliament, and, if used as a carriage of any particular class, shall be deemed to be a carriage of that class, and the law relating to carriages of that class shall apply accordingly.

(2.) In calculating for the purposes of this Act the weight of a vehicle unladen, the weight of any water, fuel, or accumulators, used for the purpose of propulsion, shall not be included.

* * *

(*a*) Short Title, the Locomotives on Highways Act, 1896. See s. 12.

4. No light locomotive shall travel along a public highway at a greater speed than fourteen miles an hour, or than any less speed that may be prescribed by regulations of the Local Government Board. 59 & 60 Vict., Cap. 36. Rate of speed.

* * *

9. The requirements of subsection (4) of section twenty-eight of the Highways and Locomotives Amendment Act, 1878, may be from time to time varied by order of the Local Government Board. Construction of wheels of locomotives on roads.

10. In the application of this Act to Scotland a reference to the Secretary for Scotland shall be substituted for a reference to the Local Government Board, a reference to the road authority of any county or burgh for a reference to the council of a county or county borough, and a reference to subsection (4) of section three of the Locomotives Amendment (Scotland) Act, 1878, for a reference to subsection (4) of section twenty-eight of the Highways and Locomotives Amendment Act, 1878. Application to Scotland. 41 & 42 Vict. c. 58.

11. In the application of this Act to Ireland a reference to the Local Government Board for Ireland shall be substituted for a reference to the Local Government Board, and a reference to the council of a county shall be construed in an urban sanitary district under the Public Health (Ireland) Act, 1878, as a reference to the urban sanitary authority, and elsewhere as a reference to the grand jury. Application to Ireland. 41 & 42 Vict. c. 52.

12. This Act may be cited as the Locomotives on Highways Act, 1896, and shall come into operation on the expiration of three months from the passing thereof. Short title and commencement.

SCHEDULE.

ENACTMENTS WHICH ARE NOT TO APPLY TO LIGHT LOCOMOTIVES.

The Locomotives Act, 1861, (*a*) (24 & 25 Vict. c. 70.) * * * (*b*)
Section forty-one of the Thames Embankment Act, 1862 (25 & 26 Vict. c. 93.)
The Locomotives Act, 1865 (28 & 29 Vict. c. 83.)
The Locomotives Amendment (Scotland) Act, 1878 (41 & 42 Vict. c. 58.)
Part II. of the Highways and Locomotives (Amendment) Act, 1878 (41 and 42 Vict. c. 77.)
* * * (*b*)

(*a*) The "Locomotive Act, 1861." See s. 14 thereof, p. 159.

(*b*) The portions omitted do not relate to subjects herein dealt with.

59 & 60 Vict., Cap. 54.

PUBLIC HEALTH (IRELAND) ACT, 1896.

59 & 60 Vict., Cap. 54. An Act to amend the Acts relating to Public Health in Ireland. (*a*)

[14th August 1896.]

[Introductory words]

Local Government Board may invest rural authority with powers of urban authority.

1. The Local Government Board may, on the application of the sanitary authority of any rural district, or of persons rated to the relief of the poor, the assessment of whose hereditaments amounts at the least to one tenth of the net rateable value of such district, or of any contributory place therein, by order to be published in the Dublin Gazette, or in such other manner as the Local Government Board may direct, declare any provisions of the Public Health (Ireland) Acts, 1878 to 1890, in force in urban districts to be in force in such rural district or contributory place, and may invest such authority with all or any of the powers, rights, duties, capacities, liabilities, and obligations of an urban authority under those Acts; and such investment may be made either unconditionally or subject to any conditions to be specified by the Board as to the time, portion of the district, or manner, during at and in which such powers, rights, duties, liabilities, capacities, and obligations are to be exercised and attach: Provided that an order of the Local Government Board made on the application of persons rated to the relief of the poor in any contributory place shall not invest the rural authority with any new powers bevond the limits of such contributory place.

* * *

Power to require water rates to be levied.

5.—(1.) Where a sanitary authority under the provisions of the principal Act supply water in any urban district or in any contributory place, and an application is made to them by any ten persons rated to the relief of the poor in such urban district, or by any five persons so rated in such contributory place, to charge water rates or water rents in respect of the water so supplied, it shall be incumbent upon the authority to exercise the powers given

(*a*) Short Title, the Public Health (Ireland) Act, 1896. See s. 35. By Local Government (Ireland) Act, 1898, s. 105, the Public Health Acts, 1878 to 1896, are, as to Ireland, made subject to adaptations by Order in Council.

to them by the principal Act of charging water rates or water rents in respect of all water supplied by them in such urban district or in such contributory place. 59 & 60 Vict., Cap. 54.

(2.) In addition to the matters with respect to which byelaws are authorised to be made by the principal Act, every sanitary authority may make byelaws for the regulation of any water supply provided by them or under their control.

* * *

28. The expression "Public Health (Ireland) Act, 1874," (*a*) wherever it occurs in the Rivers Pollution Prevention Act, 1876, shall, in the application of the said Act of 1876, to Ireland, be construed as meaning the Public Health (Ireland) Acts, 1878 to 1890. Application to Ireland of 39 & 40 Vict. c. 75. 41 & 42 Vict. c. 16. and 54 & 55 Vict. c. 75.

* * *

34. In this Act the expression "the principal Act" means the Public Health (Ireland) Act, 1878; and the expression "the Public Health (Ireland) Acts, 1878 to 1890," means the Public Health (Ireland) Act, 1878, the Public Health (Ireland) Amendment Act, 1879, the Public Health (Ireland) Amendment Act, 1884, the Public Health Act, 1889, and the Public Health Acts Amendment Act, 1890, and the expression "town" includes a township having commissioners. Definitions.

35. This Act may be cited as the Public Health (Ireland) Act, 1896, and save where inconsistent therewith shall be construed as one with the Public Health (Ireland) Acts, 1878 to 1890, and those Acts and this Act may be cited collectively as the Public Health (Ireland) Acts, 1878 to 1896. Short title and construction.

(*a*) Repealed by Public Health (Ireland) Act, 1878, s. 294.

60 & 61 Vict., Cap. 38.

PUBLIC HEALTH (SCOTLAND) ACT, 1897.

60 & 61 Vict., Cap. 38. An Act to consolidate and amend the Laws relating to the Public Health in Scotland. [6th August 1897.]

[Introductory words.]

Short title.

1. This Act may be cited as the Public Health (Scotland) Act, 1897.

Extent and commencement of Act

2. This Act shall extend to Scotland only, and shall come into operation on the first day of January after the passing thereof.

Definitions

3. In this Act the following words and expressions have the meanings herein-after assigned to them, unless such meaning is inconsistent with the context:

The word "Board" means the Local Government Board for Scotland:

* * *

The word "burgh" includes not only royal burgh, parliamentary burgh, burgh incorporated by Act of Parliament, but also any police burgh within the meaning of the Burgh Police (Scotland) Act, 1892:

The word "county" means a county exclusive of any burgh, and does not include a county of a city:

The word "district" means the district of any local authority under this Act:

* * *

The word "premises" includes lands, buildings, vehicles, tents, vans, structures of any kind, streams, lakes, seashore, drains, ditches, or places open, covered, or inclosed, whether built on or not, and whether public or private, and whether natural or artificial, and whether maintained or not under statutory authority, and any ship, lying in any sea, river, harbour, or other water, or ex adverso of any place within the limits of the local authority:

* * *

The word "street" includes any highway and any public bridge, and any road, lane, footway, square,

court, or passage, whether a thoroughfare or not, and whether or not there are houses in such street: 60 & 61 Vict., Cap. 38.

The word "house" means a dwelling-house, and includes schools, also factories and other buildings in which persons are employed:

The word "factory" includes workshop and workplace:

* * *

The word "owner" means the person for the time entitled to receive, or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor, or curator, and in case of public or municipal property applies to the persons to whom the management thereof is entrusted:

The word "occupier" means in the case of a building or part of a building the person in occupation or having the charge, management, or control thereof, either on his own account or as the agent of another person, and in the case of a ship means the master or other person in charge thereof:

The word "company" includes commissioners:

* * *

The expressions "day" and "daytime" mean between nine o'clock in the morning and six o'clock in the evening.

* * *

PART I.

AUTHORITIES FOR EXECUTION OF ACT.

Central Authority.

5. The Local Government Board for Scotland (in this Act referred to as the Board) shall be the central authority for the execution of this Act. * * * Local Government Board to be central authority.

* * *

Local Authorities.

12. The following shall respectively be the local authority to execute this Act within the districts hereunder stated: Local authorities to execute Act

(1.) In burghs subject to the provisions of the Burgh Police (Scotland) Act, 1892, the town council [or burgh commissioners:] (*a*)

(2.) In other burghs, the town council [or board of police, as the case may be:] (*a*)

(*a*) Now town council only. See Town Councils (Scotland) Act, 1900, s. 8.

60 & 61 Vict., Cap. 38.

52 & 53 Vict. c. 50.

(3.) In districts where the county is divided into districts under the Local Government (Scotland) Act, 1889, and, subject to the provisions of section seventeen of that Act, as amended by this Act, the district committee:

(4.) In counties where the county is not so divided, the county council, subject to the provisions of section seventy-eight, sub-section three, of the Local Government (Scotland) Act, 1889, as amended by section nineteen, sub-section seven, of the Local Government (Scotland) Act, 1894. (*a*)

57 & 58 Vict. c. 58.

Provided always that wherever, except in regard to a burgh, the expression "local authority" is in this Act used with reference to rating, borrowing, or acquiring or holding land, it shall mean the county council, but this proviso shall not be construed to extend or diminish the exemption from stamp duties contained in section one hundred and sixty-eight of this Act.

* * *

PART II.

SANITARY PROVISIONS.

General Nuisances.

Definition of nuisances.

16. For the purposes of this Act,

* * *

(3.) Any well or water supply injurious or dangerous to health:

* * *

(9.) Any fireplace or furnace situated within the limits of any burgh or special scavenging district which does not so far as practicable consume the smoke arising from the combustible matter used therein, for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever:

(10.) Any chimney (not being the chimney of a private dwelling-house) sending forth smoke in such quantity as to be a nuisance or injurious or dangerous to health:

* * *

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act:

* * *

[**21-26.** Summary proceedings by local authority when nuisances are ascertained to exist.]

(*a*) As to district committees.

* * *

60 & 61 Vict., Cap. 38.

94. Where it appears to the local authority that a common lodging-house is without a proper supply of water or without sufficient privy or watercloset accommodation for the use of the lodgers, and that such a supply of water can be furnished thereto at a reasonable rate, the local authority may, by notice in writing, require the owner or keeper of the common lodging-house, within a time specified therein, to obtain such supply, and to execute all works necessary for those purposes; and if such notice be not complied with accordingly, the local authority may remove the common lodging-house from the register until it be complied with. It shall be competent to any person interested to appeal to the sheriff against any resolution of the local authority removing a common lodging-house from the register under this section; but in the case of a district other than a burgh the appeal to the sheriff shall only arise after the county council has disposed of any appeal which may have been brought before them.

Power to local authority to require additional supply of water.

* * *

118. It shall not be lawful for any person to throw, or suffer to be thrown into any running water, spring, well, lake, pool, reservoir, drain, or ditch, the carcase of any animal or part thereof, and any person offending against this section shall be liable to a penalty not exceeding ten pounds.

Placing carcases in running water, &c.

* * *

122. * * *

(5.) Nothing contained in this Act shall prejudice the provisions of subsections one and two of section eighty-one of the Local Government (Scotland) Act, 1889, as amended by section forty-four of the Local Government (Scotland) Act, 1894.

Special drainage districts.

57 & 58 Vict. c. 58.

* * *

Water Supply.

124. With respect to burghs subject to the provisions of the Burgh Police (Scotland) Act, 1892, or having a local Act for police or other purposes nothing contained in this Act shall prejudice the provisions of any of the said Acts in regard to the provision of a supply of water for the domestic use of the inhabitants and for sanitary and other purposes. Provided that in the Burgh Police (Scotland) Act, 1892, and in the Lands Clauses Acts, so far as incorporated therewith, or authorised thereby to be put in force the term "land" shall include water and any right or servitude to or over land or water.

Supply of water for burghs.

55 & 56 Vict. c. 55.

125. If any occupied house within the district of any local authority other than the local authority of a burgh is

Local authority to require

60 & 61 Vict., Cap. 38.

water to be supplied to houses in certain cases.

without a proper supply of wholesome water at or reasonably near the same, the local authority shall require the owner to obtain such supply and to do all such works as may be necessary for that purpose, and failing his doing so, within twelve months after due notice, the local authority may themselves obtain such supply and for that purpose may use their powers of acquiring land by agreement or otherwise under this Act; and may, for the purpose of obtaining such supply, enter upon the premises and execute all such works as may be necessary; and the local authority may recover in a summary manner from the owner the whole or a reasonable part of the expenses incurred by them under this section: Provided that where the owners of two or more houses have failed to comply with the requirements of the notice served on them under this section, and the local authority might under this Act execute the necessary works for providing a water supply for each house, the local authority may, if it appears to them desirable and no greater expense would be occasioned thereby, execute works for the joint supply of water to those houses, and apportion the expenses as shall be just, and further provided that if any question shall arise under this section it shall be determined summarily by the sheriff who shall have regard to all the circumstances of the case, and whose decision shall be final. Provided that nothing in this section shall relieve the local authority from the duty of providing their district or any part thereof with a supply of water, where a general scheme for such supply is required, and can be carried out at a reasonable cost.

Supply of water for districts other than burghs.

126. With respect to districts other than burghs the following provisions shall have effect:—

(1.) The local authority, if they think it expedient so to do, may acquire and provide or arrange for a supply of water for the domestic use of the inhabitants and for sanitary and other purposes, and for that purpose may acquire and conduct water from any lake, river, spring, or stream, may dig wells, make and maintain reservoirs, may purchase, take upon lease, hire, construct, lay down, and maintain such waterworks, pipes, and premises, and do and execute all such works, matters, and things as shall be necessary and proper for the aforesaid purpose, and may themselves furnish a supply of water, or contract or arrange with any other person to furnish the same; and for the purposes aforesaid the local authority shall be held to have all the powers and rights given to and be subject to all the obligations imposed on the promoters of undertakings by the Lands Clauses Acts as amended by

this Act: Provided also, that it shall not be lawful for the local authority to provide or supply water within any area which any local authority or any company, established by Act of Parliament or empowered by or authorised by Provisional Order, is authorised to supply with water, unless the local authority shall previously have purchased or acquired the undertaking of such local authority or company.

(2.) The local authority, if they have any surplus water after fully supplying what is required for domestic and sanitary purposes, may supply water from such surplus to any public baths and wash-houses, or for trading or manufacturing and all other than domestic purposes, on such terms and conditions as may be agreed on between the local authority and the persons desirous of being so supplied. Provided that when water is thus supplied from such surplus it shall not be lawful for the local authority to charge the persons so supplied both with the portion of the special water assessment applicable to the buildings or premises supplied, and also for the supply of water obtained; but the local authority may either charge the said assessment leviable on such buildings or premises, or charge for the supply of water furnished to the same as they shall think fit, and the local authority shall have the same remedies and powers of recovering payment of such water rents or payments as are herein-after provided with regard to the special water assessment.

(3.) The local authority may cause all existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants to be continued, maintained, and plentifully supplied with water, or may substitute, maintain, and plentifully supply with water other such works equally convenient; and may, if they shall think fit, provide and gratuitously supply water for any public baths or wash-houses established otherwise than for private profit or supported out of any rates.

(4.) The local authority shall have the same powers and be subject to the same restrictions for carrying water mains within their district as they have and are subject to for carrying sewers within their district by the law for the time being in force.

Penalty for causing water to be corrupted by gas washings, &c.

127. Any person engaged in the manufacture of gas, naphtha, vitriol, paraffin, or dye stuffs, or any other deleterious substance, or in any trade in which the refuse produced in any such manufacture is used, who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct, well, or pond, or place for

60 & 61 Vict., Cap. 38.

water, constructed or used for the supply of water for domestic purposes, or into any pipe or drain communicating therewith, any product, washing, or other substance produced in any such manufacture, or shall wilfully do any act connected with any such manufacture, whereby the water in any such stream, reservoir, aqueduct, well, pond, or place for water shall be fouled, and any person who shall wilfully do or permit to be done any act whereby the water in any stream, reservoir, aqueduct, well, pond, or place constructed or used for the supply of water for drinking or other domestic purposes shall be fouled, shall forfeit for every such offence a sum not exceeding fifty pounds.

Penalties to be sued for within six months.

128. Such penalty may be recovered, with expenses, by the person into whose water such product, washing, or other substance shall be conveyed or shall flow, or whose water shall be fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local authority of their intention to proceed for such penalty, or if there be no such person, by the local authority; but such penalty shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.

Daily penalty during continuance of offence.

129. In addition to the said penalty (and whether such penalty shall have been recovered or not), the person so offending shall forfeit a sum not exceeding five pounds (to be recovered in the like manner) for each day during which such product, washing, or other substance shall be brought or shall flow as aforesaid, or during which the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on such person by the local authority, or by the person into whose water such product, washing, or other substance shall be brought or flow, or whose water shall be fouled thereby, and such penalty shall be paid to the local authority or person from whom such notice shall proceed; and all moneys recovered by the local authority under this or the preceding section shall, after payment of any damage caused by the act for which the penalty is imposed, be applied towards defraying the expenses of executing this Act.

Local authorities may combine as to water supply.

130. Two or more local authorities may, with the sanction of the Board, combine together for the purpose of executing or acquiring an interest in or maintaining any works by this Act or any other Act authorised in regard to water supply that may be for the benefit of their re-

spective districts; and all moneys which they may agree to contribute for the execution or acquisition or maintenance of such common works shall, in the case of each local authority, be deemed to be expenses incurred by them in the execution, acquisition, or maintenance of works within their district. 60 & 61 Vict., Cap. 38.

Special water supply districts.

131.—(1.) Upon requisition to that effect made in writing by a parish council or by not fewer than ten ratepayers within the district, the local authority, not being the local authority of a burgh, shall be bound to meet, after twenty-one days notice, or, if the local authority itself so resolve, it may meet after twenty-one days notice, and shall, whether water supply has been already provided or not, consider the propriety of—

(*a*) forming part of their district into a special water supply district; or

(*b*) enlarging or limiting the boundaries of a special water supply district; or

(*c*) combining a special water supply district with another special water supply district; or

(*d*) enlarging or limiting the boundaries of both or either of such special water supply districts, and combining the same or parts thereof; or

(*e*) determining that any special water supply district shall cease to exist as a special water supply district, or that any such combination shall cease:

and the resolution of the local authority shall determine all questions regarding the payment of any debt which may affect any district or special water supply district, and the right to impose and the obligation to pay any assessment affected by such determination, and shall fix the date at which such determination shall take effect; and such resolution shall be published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district, and a copy of said resolution shall be forthwith transmitted to the Board, and where the local authority is a district committee to the county council; and the production of such newspaper or handbill, or a certificate under the hand of the clerk of the local authority (whose signature need not be proved), shall be sufficient evidence of such resolution; and within twenty-one days after the date of the first publication of such resolution it shall be competent for any person interested to appeal against the resolution (whatever its terms may be) to the sheriff; and the sheriff, not being a sheriff substitute resident within the district, may either approve or disapprove of such resolution; and

60 & 61 Vict., Cap. 38.

if he disapproves thereof he may either find that no special water supply district should be formed, or may enlarge or limit the special district as defined by the resolution of the local authority, or may find that a special water supply district should be formed, and may define the limits thereof, or may find that such special water supply district or part thereof shall be combined as prayed, or that such combination shall cease, or that such special water supply district or districts shall, as such, cease to exist; and the decision of the sheriff shall be binding, and shall be final, except where it is pronounced by a sheriff substitute, in which case it may be appealed to the sheriff:

(2.) The order of the sheriff shall determine all questions regarding the payment of any debt which may affect any district or special water supply district, and the right to impose and the obligation to pay any assessments affected by his determination, and shall fix the date at which such determination shall take effect; and a copy of said order shall be forthwith published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district and transmitted to the Board and to the county council.

52 & 53 Vict. c. 50.

(3.) Notwithstanding the provisions of section seventeen, subsection two, subhead (*c*) of the Local Government (Scotland) Act, 1889, it shall not be competent to appeal to the county council against anv resolution of a district committee under this section.

57 & 58 Vict c. 58.

(4.) Nothing contained in this Act shall prejudice the provisions of subsections one and two of section eighty-one of the last-mentioned Act as amended by section forty-four of the Local Government (Scotland) Act, 1894.

Incorporation of Waterworks Clauses Acts.

132. The following Acts and parts of Acts, so far as the same respectively are applicable for the purposes, and are not inconsistent with the provisions of this Act, are hereby incorporated with this Act:—

10 & 11 Vict. c. 17.

The Waterworks Clauses Act, 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and except the words in section forty-four thereof, "with the consent in writing of the owner or "reputed owner of any such house or of the agent of such "owner":

26 & 27 Vict. c. 93.

The Waterworks Clauses Act, 1863:

8 & 9 Vict. c. 33.

The provisions of the Railways Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, but such last-mentioned provisions shall apply

only in the case of any reservoir, filter, or distributing tank, which the local authority may be authorised to construct, and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if such reservoir, filter, or tank, and works, were therein mentioned instead of "the railway," and the boundaries of such reservoir, filter, or tank, and works, instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from such boundaries: 60 & 61 Vict., Cap. 38.

Provided always that—

(*a*) The local authority shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year;

(*b*) No person shall be entitled to demand such supply of water, or to require the local authority to lay down communication pipes, unless some pipe of the local authority shall have been laid within one hundred feet of the house or other premises in respect of which such supply or communication pipes are demanded, or unless the local authority shall become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act, 1847, to cause pipes to be laid down within the said distance of one hundred feet of such house or other premises; 10 & 11 Vict. c. 17.

(*c*) The water to be supplied by the local authority need not be constantly laid on under pressure.

* * *

[**134**. In any burgh, or where any special water supply district has been formed under this Act or any of the Acts hereby repealed, the expense incurred by the local authority for water supply within the same or for the purposes thereof, and the sums necessary for payment of any money borrowed therefor, either before or after the passing of this Act, together with the interest thereof, shall be paid out of a special water assessment which the local authority shall raise and levy on and within such burgh or special district, in the same manner and with the same remedies and modes of recovery as are herein-after provided for the public health general assessment. Special water assessment.

Provided that where a special water supply district has been formed under the provisions of this Act or any of the Acts hereby repealed or of any Act, and a sufficient supply of water has been obtained and is maintained under the authority of such Act, the lands and premises situated within such special district shall not be liable to assess-

60 & 61 Vict., Cap. 38.

ment for the expense of supplying water to other parts of the district of the local authority.]

[Above s. 134 repealed by Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, in so far as it applies to burghs to which that Act applies from its commencement. See s. 7 of such Act, p. 504.]

* * *

Limit of assessment.

[**137.** The public health general assessment by this Act authorised, which shall be imposed upon all lands and heritages within the district, including any special drainage or special water supply district, shall not exceed the rate of one shilling in the pound.

The special sewer assessment, and the special water assessment, exclusive of the public health general assessment, shall not in any burgh or special drainage or special water supply district exceed the rate of three shillings in the pound. Provided that if the produce of a rate of three shillings in the pound in any burgh or special drainage or special water supply district shall not be sufficient to meet the expenditure bona fide incurred or contemplated within such burgh or special district, it shall be lawful to increase such rate to such extent as may have been approved by the Board; provided also, that it shall not be lawful to impose any rate in respect of the expenditure within any special district upon any premises without such special district.]

[s. 137 repealed by Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, in so far as it applies to burghs to which that Act applies from its commencement. See s. 7 of such Act, p. 504.

* * *

Power of borrowing for water supply.

140. It shall be lawful for the local authority to borrow for the purpose of constructing, purchasing, enlarging, or reconstructing such works as are herein authorised for providing a supply of water for the use of the inhabitants of the district, or for the purpose of entering into and implementing any contract or arrangement with any person for such supply, and on the security of the special water assessments, where such exist, or of public health general assessments, as the case may be, such sums of money and at such times as the local authority shall deem necessary for that purpose, and to assign the said special water assessments and public health general assessments, as the case may be, in security of the money to be so borrowed; and the bonds to be granted on such borrowing and transferences or assignations and discharges thereof may be in or near to the forms contained in the Second Schedule hereto annexed; and such bonds shall be signed by two members and the clerk of the local authority, and

shall constitute a lien over the assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due out of the first and readiest of the said assessments; but no such member or clerk shall be personally liable for the repayment of such money so borrowed, and all such obligations shall be deemed and taken to be granted on the sole security of the assessments thereby assigned, and the money so borrowed shall be repayable either in one sum or by instalments, as may be arranged between the borrower and the lender, but so that the same shall be wholly repaid, together with the accruing interest, within thirty years from the date of the loan; but the amount of such loans, including interest, shall form a charge against the assessments of the years intervening between the date of such loans and the date of full repayment; and the money so borrowed as aforesaid shall be applied for the purposes specified in this section and for no other purpose whatsoever. 60 & 61 Vict., Cap. 38.

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PART XII.

SAVING CLAUSES AND REPEALS.

Saving Clauses.

189. (*a*) Nothing in this Act contained shall prejudice or affect, or shall enable any local authority or other person to injuriously affect— Act not to affect navigation of rivers or canals, or irrigation of lands.

(1.) The irrigation of lands in a rural district, or the supply of water used for such irrigation;

(2.) Any supply of water which has been conducted to and is being used for any house or building used in connexion with such house or occupied for agricultural purposes;

(3.) The supply of water required for the purposes of any waterworks established by or under the provisions of any Act of Parliament, or of the compensation water required to be given by the owners of such waterworks, unless the local authority shall have previously obtained the consent of such owners;

(4.) The navigation on or use of any river, canal, dock, harbour, lock, reservoir, or basin, in respect of which any persons are by virtue of any Act of Parliament entitled to take tolls or dues, or the supply of water to the same, or any bridges crossing the same, or any towing-path thereon;

(*a*) As to England and Ireland, see Public Health Act, 1875, ss. 17, 332, and Public Health (Ireland) Act, 1878, ss. 19, 286.

60 & 61 Vict., Cap. 38.

(5.) The purification of any river or stream in respect of which any persons are by virtue of any Act of Parliament authorised to exercise jurisdiction, or the rights, powers, jurisdictions, and authorities conferred by such Act.

Provided always, that it shall not be lawful for the local authority to execute any works in, through, or under any wharves, quays, docks, harbours, locks, reservoirs, or basins without the consent in writing in every case of the persons entitled by virtue of any Act of Parliament to take tolls or dues in respect thereof, and such persons may at their own expense, and on substituting other sewers, drains, culverts, and pipes equally effectual, and certified as such by the inspector to the local authority, take up, divert, or alter the level of any sewers and drains, culverts or pipes, constructed by any local authority, and passing under or interfering with such rivers, canals, docks, harbours, reservoirs, or basins, or the towing-paths thereof, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion, or alteration.

Saving of certain Acts.

190. Except in so far as expressly provided, nothing in this Act shall prejudice or affect the provisions of the Local Government (Scotland) Acts, or of the Local Authorities Loans (Scotland) Act, 1891, as amended, or of the Burgh Police (Scotland) Act, 1892, as amended, or of the Public Health (Scotland) Amendment Act, 1891, or of the Anatomy Acts, 1832 and 1871.

* * *

Saving of local Acts.

192.—(1.) Nothing in this Act shall supersede, prejudice, or affect the provisions of any local Act applicable to any burgh or the forms of prosecutions and procedure in use therein, but the provisions of this Act shall operate to confer additional powers on the local authorities of such burghs, and the before-mentioned forms and procedure may be used therein in all prosecutions under this Act.

(2.) Nothing contained in this Act shall prejudice or affect the provisions of any local Act under which any authority is constituted for supplying water within any district or limits created by such Act.

For the purposes of this and the immediately succeeding section the expression "local Act" includes a Provisional Order and the Act confirming such Order.

Reference to Public Health Acts.

193. Where, in any public general, or local Act the Public Health Acts or any sections thereof are referred to, such reference shall be deemed to mean and include a reference to this Act or the corresponding sections of this

Act and any amendments thereof; and the expression "public health rate" in any such Act shall mean, and a reference to any of the assessments mentioned in section ninety-five of the Public Health (Scotland) Act, 1867, shall be deemed to be a reference to, the public health general assessment under this Act. 60 & 61 Vict., Cap. 38.

* * *

Repeal of Acts. Repeal of Acts.

196.—(1.) The Acts specified in the First Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule, and so much of any public general Act as is inconsistent with this Act is also hereby repealed.

(2.) The repeal of the said Acts shall not annul or in any wise prejudice or affect any purchase, sale, conveyance, grant, lease, bond, security, act, matter, or thing, heretofore made, done, executed, commenced, or instituted, under or by virtue or in pursuance of the said Acts; but all such purchases, sales, conveyances, grants, leases, bonds, securities, acts, matters, and things shall have priority and be as good, valid, and effectual to all intents and purposes as if the said Acts had not been repealed.

* * *

FIRST SCHEDULE. (*a*)

Session and Chapter.	Short Title.	Extent of Repeal.
* * *		
52 & 53 Vict. c. 50.	Local Government (Scotland) Act, 1889.	In subsection three of section eighty-one, the words "and the assessments in respect of the drainage and water supply shall be levied in the same manner as they were before such district was formed into a police burgh."
* * *		

(*a*) This schedule also includes the Public Health (Scotland) Acts, 1867, 1871, 1875, 1882, and 1890, the whole of which are included in the repeal.

60 & 61 Vict., Cap. 44.

DISTRICT COUNCILS (WATER SUPPLY FACILITIES) ACT, 1897.

60 & 61 Vict., Cap. 44. An Act for giving Facilities for a Pure Water Supply in Rural Districts. (*a*) [6th August 1897.]

[Introductory words.]

Lands may be charged by owners for water supply. 27 & 28 Vict. c. 114.

1. Where any person who is a landowner within the meaning of the Improvement of Land Act, 1864 (in this Act referred to as the principal Act), contributes any money towards the expenses incurred by a district council for the purpose of supplying water to any lands of such landowner, whether together with other lands or not, the amount so contributed may, with the sanction of the Board of Agriculture given under this Act, be charged on the land of the landowner so supplied with water in the same manner, as nearly as may be, and with the like effect as in the case of a charge under the principal Act.

Charge to be in favour of district council.

2. Where the landowner and the district council agree that the contribution shall be payable by half-yearly instalments, the charge under this Act may be granted in favour of the district council, to secure the payment to them of such contribution, and the sums payable in respect of the charge shall be in addition to any sums which may be payable for the water supply by way of water rate or water rent.

Time limit for charge.

3. A charge under this Act shall not be made for any term exceeding twenty-five years.

Sanctioning of charge by Board of Agriculture.

4. When the supply of water to the lands of the landowner will be beneficial to persons residing or engaged in labour on such lands, the Board may, if they think fit, sanction the charge, although it may not be shown that the supply of water will effect a direct yearly increase in the value of the lands or be productive of a yearly revenue to the owner of the lands exceeding the yearly amount proposed to be charged thereon.

(*a*) Short Title, the District Councils (Water Supply Facilities) Act, 1897. See s. 7.

60 & 61 Vict., Cap. 44.

Power of Board of Agriculture to execute charge.

5. Where the annual sum to be made payable under a charge proposed to be granted by virtue of this Act in respect of the supply of water to any house or houses does not exceed the amount payable at the date of the charge for such water supply by way of water rate or water rent, the Board of Agriculture may execute the charge upon such information as they think fit to require, and in such case the requirements of the principal Act with respect to matters and proceedings previous to the execution of a charge shall not apply.

Extent of Act.

6. This Act shall not extend to Scotland or Ireland.

Short title.

7. This Act may be cited as the District Councils (Water Supply Facilities) Act, 1897, and shall be read with the Improvement of Land Act, 1864.

60 & 61 Vict., Cap. 56.

METROPOLIS WATER ACT, 1897.

60 & 61 Vict., Cap. 56. An Act to amend the Law respecting the Metropolitan Water Companies. (*a*)

[6th August 1897.]

[Introductory words.]

Complaint may be made to Railway and Canal Commission.

1.—(1.) Any water consumer or any local authority may complain to the Railway and Canal Commission that any of the metropolitan water companies has failed to perform some statutory duty of the company, and the Commission may hear and determine that complaint, and if satisfied of such failure order the company within the time limited by the order to fulfil the duty, and may, if they think fit, by any such order, impose any penalty for such failure which can be imposed under any Act, and enforce any such order in like manner as any other order of the Commission.

(2.) If at any time complaint as to the quantity or quality of the water supplied by any of the metropolitan water companies for domestic use is made to the Railway and Canal Commission, by any water consumer or local authority, the Commission may hear and determine such complaint, and if satisfied that the complaint is well founded, may order the company, within such reasonable time as is specified in the order, to remove the ground of such complaint, and may enforce such order in like manner as any other order of the Commission, and may award damages to the complainant.

57 & 58 Vict. c. 54.

(3.) All enactments relating to the Railway and Canal Commission (except section two of the Railway and Canal Traffic Act, 1894, which restricts the power to award costs) shall, with the necessary modifications, apply to the Railway and Canal Commission for the purpose of their jurisdiction under this Act.

(4.) This Act shall be in addition to and not in substitution for any existing proceedings or remedy.

Power of local authorities to aid water consumers.

2. A local authority may aid any water consumer in obtaining the determination of any question which appears to the local authority to be of interest to water consumers within the district of such local authority with respect to the rights, duties, and liabilities of any of the

(*a*) Short title, the Metropolis Water Act, 1897. See s. 6.

metropolitan water companies in reference to the quantity or quality of water supplied or the charges made by them. A local authority aiding any legal proceedings under this section may, if the court think fit, be made a party to the proceedings, and shall be liable for costs accordingly. 60 & 61 Vict., Cap. 56.

Extension to whole water area, and adaptation of Metropolis Water Acts. 15 & 16 Vict. c. 84. 34 & 35 Vict. c. 113.

3. The Metropolis Water Act, 1852, and the Metropolis Water Act, 1871, shall, as respects the metropolitan water companies, extend to the whole of the area within which any of the companies is for the time being authorised to supply water, and for the purpose of the said Acts as so extended reference to that area shall be substituted for references to "the metropolis" and "the limits of this Act," and as respects any area outside the administrative county of London a reference to the council of a county or county borough shall be substituted for a reference to the metropolitan authority, and so much of the said Acts or of any local Act as is inconsistent with such substitution shall be and is hereby repealed.

Return of proceedings taken.

4. The Railway Commissioners shall include in their annual report a return of all proceedings taken before them under this Act.

Definitions. 34 & 35 Vict. c. 113.

5. In this Act, unless the context otherwise requires,—

The expression "metropolitan water companies" means the water companies specified in section three of the Metropolis Water Act, 1871, namely; the New River Company, the East London Waterworks Company, the Southwark and Vauxhall Water Company, the Company of Proprietors of the West Middlesex Waterworks, the Company of Proprietors of Lambeth Waterworks, the Governor and Company of Chelsea Waterworks, the Grand Junction Waterworks Company, and the Company of Proprietors of the Kent Waterworks:

The expression "water consumer" means any person who is supplied with water by any of the metropolitan water companies, or who pays or is liable to pay any money charged by any of those companies for or in respect of the supply of water, whether under the name of rent, rate, or otherwise, and includes any householder or owner or occupier of a house entitled to make a communication with the mains or pipes of any of those companies: Provided that nothing in this Act shall affect the terms of any agreement existing at the time of the passing of this Act between a water company and a water consumer as to the supply of water:

60 & 61 Vict., Cap. 56.

The expression "local authority" means the council of any county, borough, or district, the mayor, aldermen, and commonalty of the city of London, and any vestry, district board, or local board of health in the county of London.

Short title and commencement.

6.—(1.) This Act may be cited as the Metropolis Water Act, 1897.

(2.) This Act shall come into operation on the first day of September next after the passing thereof.

60 & 61 Vict., Cap. 133.

CITY OF LONDON SEWERS ACT, 1897.

60 & 61 Vict., Cap. 133. An Act for the dissolution of the Commission of Sewers of the City of London and to provide for the execution of the powers authorities and duties of the Commissioners by the Common Council of the City and for other purposes. [15th July 1897.]

[Preamble.]

Short title.

1. This Act may be cited as the City of London Sewers Act 1897.

Interpretation.

2. In this Act unless the context otherwise requires the following terms have the meanings herein-after respectively assigned to them (that is to say):—

"The Common Council" means the mayor aldermen and commons of the city of London in common council assembled;

* * *

"Powers" includes authorities rights jurisdiction capacities privileges exemptions and immunities;

"Duties" includes responsibilities and obligations;

Repeal of certain sections of 11 & 12 Vict. c. clxviii.

4. On and from the commencement of this Act the provisions of section 5 of the Act of 1848 to the extent mentioned in the Second Schedule to this Act * * * and section 57 of the Act of 1851 to the extent mentioned in the said schedule are by this Act repealed but without prejudice to anything done or suffered under any provision so repealed.

Dissolution of commission and transfer of property and powers of commissioners.

5. On and from the commencement of this Act the commission under which the commissioners at present act shall be determined and all their property debts duties and commissioners shall cease to exist and their authority shall be determined and all their property debts duties and liabilities shall be by this Act transferred to and vest in the mayor and commonalty and citizens of the city of London and such of the powers authorities and duties of the commissioners as are not already vested shall by this

60 & 61 Vict., Cap. 133.

Act vest in the said mayor and commonalty and citizens (who shall be in law the successors of the commissioners) and shall be exercised by them through the Common Council * * *

* * *

Acts to be read as if Common Council substituted for commissioners &c.

7. Every Act of Parliament giving any power or authority to or imposing any duty or liability upon or otherwise relating to the commissioners or providing any forms of proceedings relating to such commissioners shall unless the context otherwise requires and so far as applicable be read and have effect as if in such Act the Common Council were substituted for the commissioners of sewers and a member of the Common Council for a commissioner of sewers Provided always that where in any Act it is provided that any lands sewers drains buildings materials property or articles not at the commencement of this Act vested in the commissioners shall be or become vested in them the same shall be by this Act vested in the said mayor and commonalty and citizens and not in the Common Council.

* * *

SECOND SCHEDULE.

SECTIONS OF THE CITY OF LONDON SEWERS ACTS 1848 AND 1851 REPEALED BY THIS ACT.

Sections.	Marginal Note of Section.
	1.—ACT OF 1848.
5	Sole power of cleansing &c. from the words "to be executed" to the end of the section.
	* * *
	2.—ACT OF 1851.
57	Provisions of recited Act incorporated with this Act so far as the section incorporates with the Act of 1851 or continues in force any clauses or provisions of the Act of 1848 by this Act repealed.

61 & 62 Vict., Cap. 29.

LOCOMOTIVES ACT, 1898.

61 & 62 Vict., Cap. 29. An Act to amend the Law with respect to the use of Locomotives on Highways, and with respect to extraordinary Traffic. (*a*) [2nd August 1898.]

[Introductory words.]

Provisions as to the weight carried by waggons.

1.—(1.) The council of a municipal borough as regards any highway situated in the borough, and the county council as regards any highway situated in their county but not in a borough, may permit any waggons drawn or propelled by a locomotive on the highway to carry weights in excess of those mentioned in section four of the Locomotive Act, 1861. 24 & 25 Vict. c. 70.

(2.) If any person without such permission uses any waggon drawn or propelled by a locomotive on any highway to carry weights in excess of those mentioned in section four of the Locomotive Act, 1861, as amended by this Act, or, being the owner of the waggon, permits it so to be used, that person shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

(3.) The proviso to section four of the Locomotive Act, 1861, is hereby repealed, and in lieu thereof it is enacted as follows:—

Provided that the regulation of weight herein mentioned shall not extend to any waggon carrying only one block, plate, cable, roll, vessel of stone or metal, or other single article, being of greater weight than sixteen tons, but the fellies, tires, or shoes of such waggon shall not be less than eight inches in breadth, and any damage arising from the user of any such waggon shall be deemed to be damage caused by excessive weight within the meaning of section twenty-three of the Highways and Locomotives Amendment Act, 1878, as amended by this Act. (*b*) 41 & 42 Vict. c. 77.

Weight of waggons to be affixed thereon.

2. The weight unloaded of every waggon drawn or propelled by a locomotive shall be conspicuously and legibly affixed thereon, and every owner not having affixed such weight shall be liable for each offence, on summary

(*a*) Short Title, the Locomotives Act, 1898. See s. 19.

(*b*) For amendment, see s. 12.

61 & 62 Vict., Cap. 29.

conviction, to a fine not exceeding five pounds, and any owner who shall fraudulently affix thereon any incorrect weight shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

Limit to number of waggons.

3.—(1.) A locomotive shall not be used on any highway to draw more than three loaded waggons (exclusive of any waggon solely used for carrying water for the locomotive) without the consent, so far as regards highways situated in a municipal borough, of the council of the borough, and, so far as regards highways not so situated, of the county council.

(2.) If any person uses a locomotive in contravention of this section, or being an owner of a locomotive permits it to be so used, that person shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

Erection and use of weighing machines.

4.—(1.) Road authorities shall have power to erect in their districts machines for weighing locomotives and loaded waggons drawn by them, and shall have power by their servants to require the persons in charge of such locomotives and waggons to proceed thither for the purpose of having such locomotives and waggons weighed: Provided that the road authority making such requirement shall pay for any loss caused by the delay if the weight should be found to be within the limits authorised by law, and that any person in charge of a locomotive who refuses or neglects to comply with any such requirement shall be liable for each offence, on summary conviction, to a fine not exceeding ten pounds.

(2.) Where a road authority and the engine owner fail to agree as to the amount of compensation to be paid under this section, the differences between them shall be settled by arbitration under the Arbitration Act, 1889.

52 & 53 Vict. c. 49.

Where a road authority weighs locomotives and waggons under this section, a certificate of weight shall be given which shall exempt such locomotives and waggons from being weighed during the continuance of that journey.

(3.) For the purposes of this section the council of any county borough and any district council may borrow under and subject to the provisions of the Public Health Act, 1875.

38 & 39 Vict. c. 55.

* * *

Restriction of locomotive traffic by byelaw.

6.—(1.) The council of a county and of any borough containing, according to the census of one thousand eight hundred and eighty-one, a population of ten thousand or upwards, may by byelaw—

* * *

(*c*) prohibit or restrict the use of a locomotive on any specified bridge in their county or borough, if they are satisfied that such bridge is unsuited for locomotive traffic, or that such use would be attended with damage to the bridge or danger to the public. 61 & 62 Vict., Cap. 29.

Provided that the council of any such county or borough may, where their byelaw prohibits the use of locomotives on any highway, give special authority for the use of a locomotive on the highway, if in any case it appears necessary for the purpose of the delivery of goods or for any other particular purpose. Provided also that the council of any such county or borough shall not give any such special authority for the use of a locomotive on any bridge except with consent of the person liable to the repair of such bridge, and the council of any such county or borough may with such consent give such special authority subject to payment being made by the person applying for such special authority to the person liable to the repair of such bridge of the cost of temporarily strengthening such bridge on each occasion of such use.

(2.) If any person in charge of a locomotive acts in contravention of any byelaw under this section, and without any such special authority, he shall be liable for each offence, on summary conviction, to a fine not exceeding five pounds.

(3.) Any byelaw made under this section shall be subject to confirmation by the Local Government Board, and sections one hundred and eighty-four, one hundred and eighty-five, and one hundred and eighty-six of the Public Health Act, 1875 (which relate to the confirmation, printing, and evidence of byelaws), shall accordingly apply to any byelaws under this section as they apply to byelaws made by a local authority under that Act. Provided that, in addition to the notice of intention to apply for confirmation of any byelaw which is required by section one hundred and eighty-four of the said Act, notice of such intention shall in the case of any byelaw made under this section be given in the London Gazette one month at least before making the application. 38 & 39 Vict. c. 55.

(4.) The Local Government Board in connexion with the confirmation of any byelaw under this section shall have all proper regard to the necessities of through locomotive traffic, and of persons who own or use locomotives, and shall consider any representations made to them by any local authority concerned, and shall also have regard to the advantage of byelaws being uniform in adjoining areas except where uniformity is, in their opinion, made inexpedient by difference in the circumstances of the areas.

61 & 62 Vict., Cap. 29.

(5.) The mayor, aldermen, and commons of the city of London may make byelaws under this section as to the city of London in the same manner as the council of a borough.

(6.) For the purpose of byelaws under this section, a borough, the council of which may make such byelaws, shall not form part of the administrative county in which it is situate.

Appeal against restrictions on passing over bridges. 24 & 25 Vict. c. 70.

7.—(1.) Where the owner of a locomotive is aggrieved by any restriction or prohibition placed, either before or after the passing of this Act, on the passing of locomotives over any bridge, either under section six of the Locomotive Act, 1861, or under any byelaw made under this Act, or any enactment repealed by this Act, that owner may appeal to the Local Government Board, and that Board, if they consider that the bridge is sufficient to bear the weight of locomotives, and that there is no other reasonable cause for imposing the restriction or prohibition, may order the restriction or prohibition to be removed, or, if they consider that it may reasonably be varied in any respect, to be varied.

(2.) The authority by whom a restriction or prohibition has been imposed shall comply within a time to be specified in the order with any order of the Local Government Board made under this section.

(3.) The Local Government Board may determine any appeal under this section either as arbitrators or otherwise at their option, and, where they determine any such appeal as arbitrators, section sixty-three of the Local Government Act, 1888, as amended by the Local Government (Determination of Differences) Act, 1896, shall apply for the purpose.

51 & 52 Vict. c. 41. 59 & 60 Vict. c. 9.

(4.) An order of the Local Government Board under this section with regard to any bridge shall not prevent the imposition of any restriction or prohibition with regard to the bridge at a future time, if the authority having power to impose the restriction or prohibition consider that it is necessary to do so, having regard to any change in the circumstances of the bridge or the traffic, but the imposition of any such restriction or prohibition shall be subject to appeal under this section.

(5.) The Local Government Board may refuse to consider any appeal under this section with regard to any bridge if the question raised by the appeal has been already considered by them either on the confirmation of a byelaw or under a former appeal.

(6.) In the case of any bridge which a railway company is liable to repair, the Board of Trade shall be sub-

stituted for the Local Government Board, and this section shall be read and construed accordingly. 61 & 62 Vict., Cap. 29.

Locomotives not to meet on a bridge.

8. No locomotive shall be taken across any bridge so as to meet or pass any other locomotive upon such bridge, and any person who acts in contravention of this section shall be subject, on summary conviction, to a penalty not exceeding five pounds for every offence.

* * *

Amendments as to proceedings for extraordinary traffic damage.

12.—(1.) Section twenty-three of the Highways and Locomotives (Amendment) Act, 1878 (which relates to the recovery of expenses of extraordinary traffic), shall be amended as follows:—

(*a.*) Expenses under that section shall cease to be recoverable in a summary manner, but may be recovered if not exceeding two hundred and fifty pounds in the County Court, and if exceeding that sum in the High Court.

(*b.*) Proceedings for the recovery of any expenses incurred after the passing of this Act shall be commenced within twelve months of the time at which the damage has been done, or where the damage is the consequence of any particular building contract, or work extending over a long period, shall be commenced not later than six months after the completion of the contract or work.

(*c.*) There shall be substituted for the words "by whose order" the words "by or in consequence of whose order."

(2.) Nothing in this section shall affect the prosecution and determination of any proceedings which have been commenced before this Act shall come into operation.

Power of owner of locomotive to exempt himself from fine on the conviction of the actual offender.

13.—(1.) Where an offence under any Act or byelaw relating to locomotives on highways, for which the owner of a locomotive or waggon is liable to a penalty, has, in fact, been committed by some servant, workman, or other person, that servant, workman, or other person shall be liable to the same penalty as if he were the owner.

(2.) Where the owner is charged with any such offence, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved, the owner proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the other person had committed the offence in question without the owner's

61 & 62 Vict., Cap. 29.

knowledge, consent, or connivance, that other person shall be summarily convicted of the offence, and the owner shall be exempt from any fine.

Action of county councils.

14. For the purposes of this Act the council of a county or borough may act through their surveyor or other authorised officer.

Inquiries by inspectors of Local Government Board.

15.—(1.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any of their powers under this Act, and the Board and their inspectors shall for the purposes of any such inquiry have the same powers as they respectively have for the purpose of an inquiry under the Public Health Act, 1875.

(2.) The expenses incurred by the Local Government Board in respect of inquiries under this Act shall be paid by such authorities and persons, and out of such funds and rates as the Board may by order direct, and the Board may certify the amount of the expenses so incurred, and any sum so certified and directed by the Board to be paid by any authority or person shall be a debt from that authority or person to the Crown.

(3.) Such expenses may include the salary of any inspector or officer of the Board engaged in the inquiry, not exceeding three guineas a day.

For the protection of the Menai Bridge.

16. No locomotive to which this Act applies shall be driven over the Menai Bridge when prohibited by notice exhibited thereon by the authority of the Commissioners of Her Majesty's Works and Public Buildings, and nothing in section seven of this Act shall have any application to such bridge.

If any person in charge of a locomotive acts in contravention of this section, he shall be liable for each offence, on summary conviction, to a fine not exceeding five pounds.

Interpretation and saving.

17.—(1.) In this Act, unless the context otherwise requires,—

The expression "county" means an administrative county, and includes a county borough;

The expressions "council of a county" and "county council" includes the council of a county borough;

* * *

The expression "locomotive" means a locomotive propelled by steam or other than animal power;

The expression "waggon" includes any truck, cart, carriage, or other vehicle;

* * *

59 & 60 Vict. c. 36.

(2.) Nothing in this Act shall affect light locomotives within the meaning of the Locomotives on Highways Act, 1896.

* * *

61 & 62 Vict., Cap. 29.

Repeal.

18.—(1.) The Acts mentioned in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

(2.) Provided that such repeal shall not affect any byelaws made under any enactment mentioned in the said schedule, so far as the same relate to preventing the use of locomotives upon bridges, or for a period of twelve months for the passing of this Act any other byelaws made under any such enactment, except so far as the same may be repealed or altered by byelaws made under this Act.

(3.) Nothing in this Act shall affect or derogate from the provisions of any local Act dealing with the licensing of locomotives (whatever the payments in respect of the licence may be) or otherwise relating to locomotives in any borough or other area.

Short title.

19. This Act may be cited as the Locomotives Act, 1898.

Application of Act.

20. This Act shall not apply to Scotland or Ireland.

Commencement of Act.

21. This Act shall not, except so far as regards the making and confirming of byelaws hereunder, come into operation until the first of January, one thousand eight hundred and ninety-nine.

SCHEDULE.

REPEALS.

Session and Chapter.	Short Title.	Extent of Repeal.
24 & 25 Vict. c. 70.	The Locomotive Act, 1861.	Section six from "And in case" to the end of the section.
28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	Section three, the paragraph commencing with the word "Firstly" and ending with the word "carriages" and from "but it shall be lawful for such owner" to the end of the section. Section three, the words "between the hours of one hour after sunset and one hour before sunrise."
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	Sections twenty-nine, thirty-one, and thirty-two.

61 & 62 Vict., Cap. 37.

LOCAL GOVERNMENT (IRELAND) ACT, 1898.

61 & 62 Vict., Cap. 37. An Act for amending the Law relating to Local Government in Ireland, and for other purposes connected therewith. (*a*)

[12th August 1898.]

* * *

Transfer to county council of business of grand jury and county at large presentment sessions.

4.—(1.) Subject to the provisions of this Act, there shall be transferred to the council of each county all the business of the grand jury not excepted by this section, and all the business of the county at large presentment sessions; and the county council for the purpose of such business shall, save that any fiat or other sanction of a judge shall not be required, have the powers and duties of the grand jury and the said presentment sessions in connexion with the said business, and also such further powers and duties as are conferred on them by or in pursuance of this Act, or as may be necessary for conducting, as an administrative body, the business hereby transferred.

* * *

[**17.** Power of County Council as to opposing Bills in Parliament and legal proceedings.] * * *

* * *

[**21.** Constitution of and application of Act to county boroughs.

County districts and district councils.

22.—(1.) All urban sanitary authorities shall be called urban district councils and their districts shall be called urban districts, but nothing in this section shall alter the style or title of the corporation or council of a borough.

(2.) For every rural sanitary district there shall be a rural district council, whose district shall be called a rural district.

(3.) In this and every other Act, unless the context otherwise requires, the expression "district council" shall include the council of every urban district, whether a county or other borough or not, and of every rural district, and the expression "county district" shall include every urban district, whether a borough or not, which is not a county borough, and every rural district.

* * *

(*a*) Short Title, the Local Government (Ireland) Act, 1898. See s. 110.

[**27.** Transfer to district councils of business of baronial presentment sessions * * *.] 61 & 62 Vict., Cap. 37.

* * *

41.—(1.) The Towns Improvement (Ireland) Act, 1854, and the enactments amending the same, shall, subject to the exceptions and with the amendments made by this Act, apply to the town forming the urban sanitary district of Carrickfergus, and to every town having commissioners under the Lighting of Towns (Ireland) Act, 1828 (*a*), and shall so apply in like manner as if it had been in whole adopted in the town, and the boundaries of each such town at the passing of this Act were the boundaries approved under the first-mentioned Act. Application of 17 & 18 Vict. c. 103. to certain towns. 9 Geo. 4. c. 82.

* * *

PART VII.

DEFINITIONS, SHORT TITLE, AND REPEALS.

109.—(1.) In this Act, unless the context otherwise requires,— Interpretation of certain terms in the Act.

* * *

The expression "borough" means a municipal borough having a town council:

The expression "town" means the area comprised in any town or township having commissioners under the Lighting of Towns (Ireland) Act, 1828 (*a*), or the Towns Improvement (Ireland) Act, 1854, or under any local Act: 9 Geo. 4. c. 82. 17 & 18 Vict. c. 103.

The expression "powers and duties" includes all powers and duties conferred or imposed by or arising under any local Act:

* * *

110.—(1.) This Act shall extend to Ireland only, and may be cited as the Local Government (Ireland) Act, 1898. Extent of Act, short titles, and repeal.

(2.) The enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned. (*b*)

Provided that—

(a) any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactments in this Act:

* * *

(*a*) For repeal and substituted reference see s. 110.

(*b*) Viz., so far as relates to this volume, the whole of the Lighting of Towns (Ireland) Act, 1828, except so far as it is applied by any Act or enactment.

62 Vict., Cap. 7.

METROPOLIS WATER ACT, 1899.

62 Vict., Cap. 7. An Act to enable and require the Metropolitan Water Companies to supply each other with Water in cases of emergency. (*a*) [6th June 1899.]

[Introductory words.]

Duties and powers of metropolitan water companies as to mutual supply of water.

1.—(1.) It shall be the duty of the several metropolitan water companies, and they are hereby respectively authorised—

(a) if so required by the Local Government Board, to submit schemes for works enabling the companies to supply each other with water from any sources of supply which any company are for the time being empowered to use, and to construct such works as may in the opinion of the Board be necessary for that purpose; and

(b) whenever in the opinion of the Local Government Board a case of emergency has arisen, or is likely to arise, to supply, at a reasonable cost, and to such extent and during such period as the Board may direct, such water as may be required for the need of another metropolitan water company and may be available after satisfying the requirements of the district of the supplying company.

(2.) For the construction and maintenance of works required for the purposes of this Act each of the water companies may exercise within and without their district the same powers as they may exercise within their district for the purpose of supplying the same, and nothing in any Act, whether general or local, shall prevent any such company from supplying water to another company or for another district.

(3.) The cost of constructing works under this Act shall be borne, and the money required for the construction of such works shall be raised by the issue of debenture stock under the powers of this Act, by the company actually constructing the same, but the interest on such stock shall, subject as herein-after provided, be borne by the metropolitan water companies in proportion to their respective water rentals as appearing from time to time from their

(*a*) Short Title, the Metropolis Water Act, 1899. See s.7.

published accounts for their respective last completed year. Provided that any company receiving water by means of such works shall pay during the time they take such water, in addition to any other sum payable under this sub-section, such proportion of the interest on the total cost of their construction, not exceeding twenty pounds a day, as may be agreed by all the companies, or failing agreement be fixed by arbitration.

(4.) If any question arises as to the terms on which water is to be supplied by a company in pursuance of this Act, the question shall be settled by arbitration.

(5.) An arbitration under this section shall be in accordance with the Arbitration Act, 1889, and before an arbitrator appointed by the Local Government Board. 52 & 53 Vict. c. 49.

(6.) The Local Government Board may make such orders as they may deem necessary—

(*a*) fixing the times within which schemes are to be submitted and works are to be constructed; and

(*b*) determining the extent to which, and the period during which, supply is to be given, in pursuance of this Act; and

(*c*) prescribing the information to be supplied by the metropolitan water companies to the Local Government Board for the purposes of this Act.

If any of the metropolitan water companies makes default in compliance with any such order, the company shall be liable for every day during which the default continues to a penalty of one hundred pounds, which may be recovered by the Local Government Board as a debt due to the Crown. Provided that the Court may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty.

Issue of debenture stock.

2.—(1.) A metropolitan water company may, with the consent of the Local Government Board, raise any money required to be contributed by the company for the construction of the works needed to give effect to the requirements of this Act by the issue of debenture stock, but the Board shall make it a condition of their consent that the stock be raised in accordance with the provisions contained in the most recent Act for the time being with reference to the issue of debenture stock by a metropolitan water company.

(2.) The power under this section of raising money by the issue of debenture stock shall apply to expenditure incurred by any metropolitan water company after the first day of September one thousand eight hundred and ninety-eight upon the construction of works which would have been legal if they had been required to be con-

62 Vict., Cap. 7.

structed, and had been constructed in pursuance of this Act.

Provided that a company shall not be required to carry to a sinking fund a percentage on the amount of money for the time being raised by the issue of debenture stock created under the powers of this Act.

Provision in case of future purchase of undertaking.

3. If the undertaking of any of the metropolitan water companies is purchased within seven years from the passing of this Act, otherwise than by agreement, by any public body or trustees, nothing in this Act shall authorise the company to bring into account or to make any claim in respect of any advantages conferred on them by or resulting from the passing of this Act.

Inquiries and expenses.

4.—(1.) The Local Government Board may direct an inspector to hold any inquiry which the Board may deem necessary for the purposes of this Act, and every such inspector shall, for the purposes of any such inquiry, have all such powers as an inspector has for the purposes of inquiries directed by the Board under the Public Health Act, 1875.

38 & 39 Vict. c. 55.

(2.) All costs, charges, and expenses incurred by the Local Government Board in relation to any scheme submitted or inquiry held under this Act, including the expenses of any witnesses summoned by the inspector holding any such inquiry and a sum to be fixed by the Board for the services of any such inspector, shall be paid to the Board by the metropolitan water companies, or some of them, as the Board may direct, and may be recovered as a debt due to the Crown.

For protection of outside areas.

5. Nothing in this Act shall authorise the construction by any metropolitan water company of any works for the purpose of utilising any supplies of water drawn from wells outside the districts of the metropolitan water companies not now utilised under the powers possessed by such companies.

Meaning of metropolitan water companies.

6. In this Act the expression "metropolitan water companies" means the water companies specified in section three of the Metropolis Water Act, 1871.

34 & 35 Vict. c. 113.

Short title.

7. This Act may be cited as the Metropolis Water Act, 1899.

62 & 63 Vict., Cap. 14.

LONDON GOVERNMENT ACT, 1899.

62 & 63 Vict., Cap. 14. An Act to make better provision for Local Government in London. (*a*)

[13th July 1899.]

* * *

Powers of Borough Councils.

Transfer to borough councils of powers from vestries and district boards.

4.—(1.) On the appointed day every elective vestry and district board in the county of London shall cease to exist, and, subject to the provisions of this Act and of any scheme made thereunder, their powers and duties, including those under any local Act, shall, as from the appointed day, be transferred to the council for the borough comprising the area within which those powers are exercised. * * *

Transfer of powers from London County Council.

5.—(1.) * * *

(2.) As from the appointed day the powers of the London County Council under the enactments mentioned in Part Two of the Second Schedule to this Act may, subject to the conditions mentioned in that schedule, be exercised also by each borough council as respects their borough.

(3.) The Local Government Board may, if they think fit, on the application of the London County Council and of the majority of the borough councils, make a Provisional Order for transferring to all the borough councils any power exerciseable by the County Council, or for transferring to the County Council any power exerciseable by the borough councils.

(4.) The Local Government Board may also, on the joint application of the London County Council and the Common Council of the City of London, make a Provisional Order transferring any power from the County Council to the Common Council, or from the Common Council to the County Council.

Additional powers and duties of borough councils.

6.—(1.) * * *

* * *

(6.) A borough council shall have the same powers of promoting and opposing Bills in Parliament, and of

(*a*) Short Title, the London Government Act, 1899. See s. 35.

62 & 63 Vict., Cap. 14.

35 & 36 Vict. c. 91.

prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of their borough, as are conferred on borough councils outside London by the Borough Funds Act, 1872, and the provisions of that Act shall extend to the council of a metropolitan borough as if that council were included in the expression "governing body" and the borough were a district in that Act mentioned.

[**7.**—(1.) Expenses incidental to transfer of powers or duties.]

* * *

Application of Act to Woolwich

19.—(1.) A scheme under this Act shall provide for placing Woolwich under the general law applying to metropolitan boroughs, and for the repeal of the application thereto of the provisions of the Public Health Acts and other enactments not applying to London, and for the application thereto of the Metropolis Management Acts, 1855 to 1893, and other enactments applying to London.

(2.) Subject to the provisions of any such scheme, this Act shall apply to Woolwich in like manner as if the local board of health thereof were an administrative vestry.

* * *

Special provision as to Penge.

20.—(1.) An Order in Council under this Act may either annex Penge to the borough of Lewisham or to the borough of Camberwell, or separate it from the county of London and make it form part of the county of Surrey or of the county of Kent, and if it is so separated shall provide for constituting it an urban district, or for adding it to an adjoining county borough or urban district, and if necessary shall determine the county electoral division to which it is to belong.

(2.) A scheme under this Act shall make such provision as may be necessary for the apportionment and transfer of property and liabilities, and for the repeal of the application to Penge of the Metropolis Management Acts, 1855 to 1893, and any other enactments applying to London, and for the application thereto of the Public Health Acts and other enactments not applying to London.

* * *

Provision as to the Temples.

22. The places known as the Inner and Middle Temples shall for the purposes of this Act be deemed to be within the city of London.

* * *

Construction of Acts and savings.

31.—(1.) Where any Act passed before the passing of this Act contains expressions referring to a borough, those expressions shall not be construed as referring to a metropolitan borough created by this Act unless applied thereto by or under the provisions of this Act or of any subsequent enactment.

* * *

34. In this Act, unless the context otherwise requires,— 62 & 63 Vict., Cap. 14.

The expression "administrative vestry" means a vestry having the powers of a vestry elected for a parish specified in Schedule A. to the Metropolis Management Act, 1855; and the expression "elective vestry" means any vestry elected under the Metropolis Management Act, 1855: Definitions. 18 & 19 Vict. c. 120.

The expressions "powers," "duties," "property," "liabilities," and "powers, duties, and liabilities," have respectively the same meanings as in the Local Government Act, 1888: 51 & 52 Vict. c. 41.

The expression "local Act" includes a provisional order confirmed by an Act, and the Act confirming the order; and the expression "enactment" includes a provision of any such order.

35.—(1.) This Act may be cited as the London Government Act, 1899. Short title.

* * *

SECOND SCHEDULE.

PART II.—POWERS OF COUNTY COUNCIL TO BE EXERCISED ALSO BY BOROUGH COUNCILS. Section 5 (2).

Powers exercisable.	Conditions of Exercise.	
* * *		
Powers under sections seventeen to twenty-five of the Metropolis Water Act, 1871, with respect to regulations of water companies.	The power to be exercised only with respect to a water company supplying any part of the borough.	34 & 35 Vict c. 113.
Power to adopt Part III. of the Housing of the Working Classes Act, 1890.	The power to be exercised only within the borough.	53 & 54 Vict. c. 70.

62 & 63 Vict., Cap. 19.

ELECTRIC LIGHTING (CLAUSES) ACT, 1899.

62 & 63 Vict., Cap. 19. An Act for incorporating in one Act certain provisions usually contained in Provisional Orders made under the Acts relating to Electric Lighting. (*a*) [9th August 1899.]

[Introductory words.]

Provisions in schedule to be incorporated in Electric Lighting Orders

1. The provisions contained in the schedule to this Act shall be incorporated with and form part of every Provisional Order made by the Board of Trade after the commencement of this Act under the Electric Lighting Acts, save so far as they are expressly varied or excepted by the Order, and shall, subject to any such variations or exceptions, apply, so far as applicable, to the undertaking authorised by the Order.

The said provisions shall also, with the necessary modifications, and in particular with the substitution of the words "special Act" for "special Order," be incorporated with any special Act, save so far as they are expressly varied or excepted thereby.

45 & 46 Vict. c. 56. 51 & 52 Vict. c. 12. 53 & 54 Vict. c. 13.

The expression "Electric Lighting Acts" means in this Act the Electric Lighting Acts, 1882 and 1888, and, so far as respects Scotland, the Electric Lighting Acts, 1882 and 1888, and the Electric Lighting (Scotland) Act, 1890.

The expression "special Act" means in this Act any Act passed after the commencement of this Act authorising the supply of electricity for any public or private purposes within any area.

Short title, extent, and commencement.

[Limited application to London.]

2.—(1.) This Act may be cited as the Electric Lighting (Clauses) Act, 1899.

(2.) Except so far as any of the provisions contained in the schedule to this Act are incorporated with any provisional order made by the Board of Trade under the Electric Lighting Acts extending to the county of London, or with any special Act so extending, this Act shall not apply to the county of London.

(3.) This Act shall come into operation on the first day of October one thousand eight hundred and ninety-nine.

(*a*) See also Board of Trade Regulations under Electric Lighting Acts, 1882 and 1888, Appendix E, pp. 595-597.

SCHEDULE.

62 & 63 Vict., Cap. 19.

Interpretation.

1. The provisions of this Schedule are to be read and construed subject in all respects to the provisions of the Electric Lighting Acts, and of any other Acts or parts of Acts incorporated therewith, and those Acts and parts of Acts are in this Schedule collectively referred to as "the principal Act;" and the several words, terms, and expressions to which by the principal Act meanings are assigned, shall have in this Schedule the same respective meanings, provided that in this Schedule—

The expression "the Special Order" means any Provisional Order made by the Board of Trade under the principal Act with which the provisions of this Schedule are incorporated and includes those provisions as so incorporated:

The expression "energy" means electrical energy, and for the purposes of applying the provisions of the principal Act to the Special Order electrical energy shall be deemed to be an agency within the meaning of electricity as defined in the Electric Lighting Act, 1882:

The expression "power" means electrical power or the rate per unit of time at which energy is supplied:

The expression "main" means any electric line which may be laid down by the Undertakers in any street or public place, and through which energy may be supplied or intended to be supplied by the Undertakers for the purposes of general supply:

The expression "service line" means any electric line through which energy may be supplied or intended to be supplied by the Undertakers to a consumer either from any main or directly from the premises of the Undertakers:

The expression "distributing main" means the portion of any main which is used for the purpose of giving origin to service lines for the purposes of general supply:

* * *

The expression "area of supply" means the area within which the Undertakers are, for the time being, authorised to supply energy under the Special Order:

* * *

The expression "daily penalty" means a penalty for each day on which any offence is continued after conviction therefor:

The expression "Board of Trade regulations" means any regulations or conditions affecting the undertaking made by the Board of Trade under the principal Act or the Special Order, for securing the safety of the public or for insuring a proper and sufficient supply of energy:

The expression "deposited map" means the map of the area of supply deposited at the Board of Trade by the Undertakers together with the Special Order, and signed by an assistant secretary to the Board of Trade:

The expression "plan" means a plan drawn to a horizontal scale of at least one inch to eighty-eight feet, and where possible a section drawn to the same horizontal scale as the plan and to a vertical scale of at least one inch to eleven feet, or to such other scale as the Board of Trade may approve of for both plan and section, together with such detail plan and sections as may be necessary.

Provisions as to Undertakers.

Description of Undertakers.

2.—(1.) The Undertakers shall be the authority, company, or other person named for that purpose in the Special Order.

(2.) If, in a case where the Undertakers are not the local

62 & 63 Vict., Cap. 19.

authority, the undertaking or any part thereof is at any time purchased by the local authority in accordance with the Special Order or the principal Act the local authority shall from the date on which the purchase takes effect be the Undertakers in relation to the undertaking or part thereof for the purposes of the Special Order in lieu of the persons mentioned therein as Undertakers.

[3. Undertakers not to purchase other undertakings.]

[4. Area of supply and prohibition of supply beyond area.]

[5 & 6. *Security and Accounts.*]

[7—9. *Application of Money and Purchase of Land, &c., by Local Authority.*]

Nature and Mode of Supply.

[See also Board of Trade regulations under Electric Lighting Acts, 1882 and 1888, Appendix E, *post.*]

Systems and mode of supply.

10. Subject to the provisions of the Special Order and the principal Act, the Undertakers may supply energy within the area of supply for all public and private purposes as defined by the said Act, provided as follows:—

(*a.*) The energy shall be supplied only by means of some system approved in writing by the Board of Trade, and subject to the Board of Trade regulations; and

(*b.*) The Undertakers shall not, without the express consent of the Board of Trade, and where the local authority are not themselves the Undertakers of the local authority also, place any electric line above ground except within premises in the sole occupation or control of the Undertakers, and except so much of any service line as is necessarily so placed for the purpose of supply; and

(*c.*) The Undertakers shall not permit any part of any circuit to be connected with earth except so far as may be necessary for carrying out the provisions of the Board of Trade regulations, unless the connection is for the time being approved by the Board of Trade, with the concurrence of the Postmaster-General, and is made in accordance with the conditions, if any, of that approval.

Works.

Additional provisions as to works.

11. The provisions of the Special Order as to works shall be in addition but subject to those of the principal Act, and in particular those of the Gasworks Clauses Act, 1847, with respect to breaking up streets, incorporated in the principal Act and set out in the Appendix to this Schedule.

[viz. Electric Lighting Act, 1882, s. 12, and Gasworks Clauses Act, 1847, ss 6-12. For both see *ante.*]

Powers for execution of works.

12.—(1.) Subject to the provisions of the principal Act and the Special Order, the Undertakers may exercise all or any of the powers conferred on them by that Act and Order, and may break up such streets not repairable by the local authority and such railways and tramways (if any) as they are specially authorised to break up by the Special Order, so far as those streets, railways, and tramways may for the time being be included in the area of supply, and be, or be upon, land dedicated to public use: Provided, however, as respects any such railway, that the powers hereby granted shall extend only to such parts thereof as pass across or along any highway on the level.

(2.) Nothing in the Special Order shall authorise or empower the Undertakers to break up or interfere with any street or part of a street not repairable by the local authority or any railway or tramway, except such streets, railways or tramways (if any), or such parts thereof, as they are specially authorised to break up by the Special Order, without the consent of the authority, company, or person, by whom that street, railway, or tramway is repairable,

or of the Board of Trade under section thirteen of the Electric Lighting Act, 1882, and where the Board of Trade give that consent, the provisions of the Special Order shall apply to the street, railway, or tramway to which the consent relates as if the Undertakers had been specially authorised to break it up by that Order. 62 & 63 Vict., Cap. 19.

Street boxes.

13.—(1.) Subject to the provisions of the principal Act, and the Special Order, and the Board of Trade regulations, the Undertakers may construct in any street such boxes as may be necessary for purposes in connexion with the supply of energy, including apparatus for the proper ventilation of the boxes: Provided that, where the local authority are not themselves the Undertakers, no such box or apparatus shall be placed above ground, except with the consent of the authority, body, or person, by whom the street is repairable.

(2.) Every such box shall be for the exclusive use of the Undertakers and under their sole control, except so far as the Board of Trade otherwise order, and shall be used by the Undertakers only for the purpose of leading off service lines and other distributing conductors, or for examining, testing, regulating, measuring, directing, or controlling, the supply of energy, or for examining or testing the condition of the mains or other portions of the works, or for other like purposes connected with the undertaking, and the Undertakers may place therein meters, switches, and any other suitable and proper apparatus, for any of the above purposes.

(3.) Every such box, including the upper surface or covering thereof, shall be constructed of such materials, and shall be constructed and maintained by the Undertakers in such manner, as not to be a source of danger, whether by reason of inequality of surface or otherwise.

(4.) Where the local authority are not themselves the Undertakers, they may, with the approval of the Board of Trade, prescribe the hours during which the Undertakers are to have access to the boxes, and if the Undertakers during any hours not so prescribed remove or displace or keep removed or displaced the upper surface or covering of any box without the consent of the local authority, they shall be liable for each offence to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds: Provided that the Undertakers shall not be subject to any such penalties as aforesaid if the court are of opinion that the case was one of emergency, and that the Undertakers complied with the requirements of this section so far as was reasonable under the circumstances.

[14. Notice of works, with plan, to be served on Postmaster-General and local authority.]

[15. As to streets not repairable by local authority, railways, tramways, and canals.]

[16. Street authority, &c. may give notice of desire to break up streets, &c. on behalf of Undertakers.]

As to alteration of pipes, wires, &c. under streets.

17. The Undertakers may alter the position of any pipes (except, in a case where the local authority are not themselves the Undertakers, any pipe forming part of any sewer of the local authority), or any wires being under any street or place authorised to be broken up by them, which may interfere with the exercise of their powers under the principal Act or the Special Order; and any body or person may in like manner alter the position of any electric lines or works of the Undertakers, being under any such street or place as aforesaid, which may interfere with the lawful exercise of any powers vested in that body or person in relation to that street or place, subject to the following provisions, unless it is otherwise agreed between the parties interested:—

(*a.*) One month before commencing any such alterations the

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Undertakers, or the body or person (as the case may be), in this section referred to as the "operators," shall serve a notice upon the body or person for the time being entitled to the pipes, wires, electric lines, or works (as the case may be), in this section referred to as the "owners," describing the proposed alterations, together with a plan showing the manner in which it is intended that the alterations shall be made, and shall, upon being required to do so by any such owners, give them any such further information in relation thereto as they may desire.

(*b.*) Within three weeks after the service of any such notice and plan upon any owners those owners may, if they think fit, serve a requisition upon the operators requiring that any question in relation to the works or to compensation in respect thereof or any other question arising upon such notice or plan as aforesaid shall be settled by arbitration; and thereupon that question, unless settled by agreement, shall be determined by arbitration accordingly.

(*c.*) In settling any question under this section an arbitrator shall have regard to any duties or obligations which the owners may be under in respect of the pipes, wires, electric lines, or works, and may, if he thinks fit, require the operators to execute any temporary or other works, so as to avoid interference with any purpose for which the pipes, wires, electric lines, or works are used so far as possible.

(*d.*) Where no such requisition as in this section mentioned is served upon the operators, the owners shall be held to have agreed to the notice or plan served on them as aforesaid, and in that case, or where, after any such requisition has been served upon them, any question required to be settled by arbitration has been so settled, the operators, upon paying or securing any compensation which they may be required to pay or secure, may cause the alterations specified in such notice and plan as aforesaid to be made, but subject in all respects to the provisions of the principal Act and the Special Order, and only in accordance with the notice and plan so served by them as aforesaid, or such modifications thereof respectively as may have been determined by arbitration as herein-before mentioned or as may be agreed upon between the parties.

(*e.*) At any time before any operators are entitled to commence any such alterations as aforesaid, the owners may serve a statement upon the operators stating that they desire to execute the alterations themselves, and where any such statement has been served upon the operators, they shall not be entitled to proceed themselves to execute the alterations, except where they have notified to the owners that they require them to execute the alterations, and the owners have refused or neglected to comply with the notification as herein-after provided.

(*f.*) Where any such statement as last aforesaid has been served upon the operators, they shall, not more than forty-eight hours and not less than twenty-fours before the execution of the alterations is required to be commenced, serve a notification upon the owners stating the time when the alterations are required to be commenced, and the manner in which the alterations are required to be made.

(*g.*) Upon receipt of any such notification as last aforesaid, the owners may proceed to execute the alterations as required by the operators, subject to the like restrictions and conditions, so far as they are applicable, as the operators would themselves be subject to in executing the alterations.

(*h*.) If the owners decline or, for twenty-four hours after the time when any such alterations are required to be commenced, neglect to comply with the notification, the operators may themselves proceed to execute the alterations in like manner as they might have done if no such statement as aforesaid had been served upon them.

(*i*.) All expenses properly incurred by any owners in complying with any notification of any operators under this section shall be repaid to them by the operators, and may be recovered summarily.

(*j*.) Any owners may, if they think fit, by any statement served by them under this section upon any operators, not being a local authority, require the operators to give them such security for the repayment to them of any expenses to be incurred by them in executing any alterations as above mentioned as may be determined in manner provided by the Special Order, and where any operators have been so required to give security, they shall not be entitled to serve a notification upon the owners requiring them to execute the alterations until the security has been duly given.

(*k*) If the operators make default in complying with any of the requirements or restrictions of this section they shall (in addition to any other compensation which they may be liable to make under the provisions of the Special Order or the principal Act) make full compensation to the owners affected thereby for any loss, damage, or penalty which they may incur by reason thereof, and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty as aforesaid if the court are of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances.

Laying of electric lines, &c. near sewers, &c. or gas or water pipes, or other electric lines.

18.—(1.) Where the Undertakers require to dig or sink any trench for laying down or constructing any new electric lines (other than service lines) or other works near to which any sewer, drain, watercourse, defence, or work under the jurisdiction or control of the local authority, or any main, pipe, syphon, electric line, or other work belonging to any gas, electric supply, or water company has been lawfully placed, or where any gas or water company require to dig or sink any trench for laying down or constructing any new mains or pipes (other than service pipes) or other works near to which any lines or works of the Undertakers have been lawfully placed, the Undertakers or the gas or water company (as the case may be), in this section referred to as the "operators," shall, unless it is otherwise agreed between the parties interested, or in case of sudden emergency, give to the local authority, or to the gas, electric supply, or water company, or to the Undertakers (as the case may be) in this section referred to as the "owners," not less than three days' notice before commencing to dig or sink such trench as aforesaid, and those owners shall be entitled by their officer to superintend the work, and the operators shall conform with such reasonable requirements as may be made by the owners or the officer for protecting from injury every such sewer, drain, watercourse, defence, main, pipe, syphon, electric line, or work, and for securing access thereto, and they shall also, if required by the owners thereof, repair any damage that may be done thereto.

(2.) Where the operators find it necessary to undermine but not alter the position of any pipe, electric line, or work, they shall temporarily support it in position during the execution of their

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works, and before completion provide a suitable and proper foundation for it where so undermined.

(3.) Where the operators (being the Undertakers) lay any electric line, crossing or liable to touch any mains, pipes, lines, or services belonging to any gas, electric supply, or water company, the conducting portion of the electric line shall be effectively insulated in a manner approved by the Board of Trade; and the Undertakers shall not, except with the consent of the gas, electric supply, or water company, as the case may be, and of the Board of Trade, lay their electric lines so as to come into contact with any such mains, pipes, lines, or services, or, except with the like consent, employ any such mains, pipes, lines, or services as conductors for the purposes of their supply of energy.

(4.) Any question or difference which may arise under this section shall be determined by arbitration.

(5.) If the operators make default in complying with any of the requirements of this section they shall make full compensation to all owners affected thereby for any loss, damage, penalty, or costs which they may incur by reason thereof; and in addition thereto they shall be liable for each default to a penalty not exceeding ten pounds, and to a daily penalty not exceeding five pounds: Provided that the operators shall not be subject to any such penalty if the court are of opinion that the case was one of emergency, and that the operators complied with the requirements of this section so far as was reasonable under the circumstances, or that the default in question was due to the fact that the operators were ignorant of the position of the sewer, drain, watercourse, defence, main, pipe, syphon, electric line, or work affected thereby, and that that ignorance was not owing to any negligence on the part of the operators.

(6.) For the purposes of this section the expression "gas company" shall mean any body or person lawfully supplying gas; the expression "water company" shall mean any body or person lawfully supplying water or water power; and the expression "electric supply company" shall mean any body or person supplying energy in pursuance of the principal Act but not in pursuance of the Special Order.

(7.) Where the local authority are themselves the Undertakers, the references in this section to the local authority, and to sewers, drains, watercourses, defences, or works under the jurisdiction or control of that local authority, shall not apply.

[19. 20. For protection of railway and canal companies, and telegraphic and telephonic wires.]

Compulsory Works.

[21. Mains, &c. to be laid down in streets specified in Special Order and in remainder of area of supply.]
[22. As to laying of electric line under special agreement.]
[23. If Undertakers fail to lay down mains, &c. Order may be revoked.]
[24. Manner in which requisition is to be made.]
[25. Provisions on requisition by owners or occupiers.]
[26. Provisions on requisition by local authority.]
[27-30. *Supply.*]
[31-34. *Price.*]
[35-38. *Electric Inspectors.*]

Notice of accidents and inquiries by Board of Trade.

38.—(1.) The Undertakers shall send to the Board of Trade notice of any accident by explosion, or fire, and also of any other accident of such kind as to have caused, or to be likely to have caused, loss of life, or personal injury which has occurred in any part of the Undertakers' works or their circuits, or in connexion with those works or circuits, and also notice of any loss of life or personal injury occasioned by any such accident. The notice shall be sent by the earliest practicable post after the accident occurs,

or, as the case may be, after the loss of life or personal injury becomes known to the Undertakers. 62 & 63 Vict., Cap. 19

If the Undertakers fail to comply with the provisions of this sub-section they shall be liable, for each default, to a penalty not exceeding twenty pounds.

(2.) The Board of Trade may also, if they deem it necessary, appoint any electric inspector or other fit person to inquire and report as to the cause of any accident affecting the safety of the public which may have been occasioned by or in connexion with the Undertakers' works, whether notice of the accident has or has not been received from the Undertakers, or as to the manner and extent in and to which the provisions of the Special Order and the principal Act, and of the Board of Trade regulations, so far as those provisions affect the safety of the public, have been complied with by the Undertakers; and any person appointed under this section, not being an electric inspector, shall for the purposes of his appointment have all the powers of an electric inspector under the Special Order.

Testing and Inspection.

Testing of mains.

39. On the occasion of the testing of any main of the Undertakers reasonable notice thereof shall be given to the Undertakers by the electric inspector, and the testing shall be carried out at such suitable hours as, in the opinion of the inspector, will least interfere with the supply of energy by the Undertakers, and in such manner as the inspector thinks expedient, but, except under the provisions of an order made in each case in that behalf by the Board of Trade, he shall not be entitled to have access to or interfere with the mains of the Undertakers at any points other than those at which the Undertakers have reserved for themselves access to the said mains: Provided that the Undertakers shall not be held responsible for any interruption in the supply of energy which may be occasioned by or required by the inspector for the purpose of any such testing as aforesaid. Provided also that the testings shall not be made in regard to any particular portion of a main oftener than once in any three months, unless in pursuance of an order made in each case in that behalf by the Board of Trade.

[40-48. Further provisions as to testing and inspection.]

[49-59. *Meters.*]

Maps.

Map of area of supply to be made.

60.—(1.) The Undertakers shall forthwith after commencing to supply energy under the Special Order cause a map to be made of the area of supply, and shall cause to be marked thereon the line and the depth below the surface of all their then existing mains, service lines, and other underground works and street boxes, and shall once in every year cause that map to be duly corrected so as to show the then existing lines. The Undertakers shall also, if so required by the Board of Trade or the Postmaster-General, cause to be made sections showing the level of all their existing mains and underground works other than service lines. The said map and sections shall be made on such scale or scales as the Board of Trade prescribe.

(2.) Every map and section so made or corrected, or a copy thereof, marked with the date when it was so made or last corrected, shall be kept by the Undertakers at their principal office within the area of supply, and shall at all reasonable times be open to the inspection of all applicants, and those applicants may take copies of it or any part thereof. The Undertakers may demand and take from every such applicant such fee not exceeding one shilling for each inspection of the map, section, or copy, and such further fee not exceeding five shillings for each copy of it, or any part thereof, taken by the applicant, as they prescribe.

52 & 63 Vict., Cap. 19.

(3.) The Undertakers shall, if required by the Board of Trade or the Postmaster-General, or, where the local authority are not themselves the Undertakers, by the local authority, supply to them or him a copy of any such map or section and cause that copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Undertakers.

(4.) If the Undertakers fail to comply with any of the requirements of this section they shall for each default be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding two pounds.

Notices, &c.

otices, &c. may e printed or ritten.

61. Notices, orders, and other documents under the Special Order may be in writing or in print, or partly in writing and partly in print, and where any notice, order, or document requires authentication by the local authority, the signature thereof by the clerk or surveyor to the local authority shall be sufficient authentication.

ervice, of otices, &c.

62.—(1.) Any notice, order, or document required or authorised to be served upon any body or person under the Special Order or the principal Act may be served by being addressed to that body or person, and being left at or transmitted through the post to the following addresses respectively:—

(*a*) in the case of the Board of Trade, the office of the Board of Trade;

(*b*) in the case of the Postmaster-General, the General Post Office;

(*c*) in the case of any county council, the office of that council;

(*d*) in the case of any local authority, the office of that local authority;

(*e*) in the case of the Undertakers, where the Undertakers are not a local authority, the registered office of the Undertakers;

(*f*) in the case of a company having a registered office, at that registered office, and in the case of a company having an office or offices, but no registered office, the principal office of that company;

(*g*) in the case of any other person, the usual or last-known place of abode of that person.

(2.) A notice, order, or document by this schedule required or authorised to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the "owner" or "occupier" of the premises (naming the premises) without further name or description.

(3.) A notice, order, or document by the Special Order required or authorised to be served on the owner or occupier of premises may be served by delivering it, or a true copy thereof, to some person on the premises, or, if there is no person on the premises to whom the same can with reasonable diligence be delivered, by fixing it on some conspicuous part of the premises.

(4.) Subject to the provisions of the Special Order as to cases of emergency, where the interval of time between the service of any notice or document under the provisions of the Special Order and the execution of any works, or the performance of any duty or act, is less than seven days, the following days shall not be reckoned in the computation of that time; that is to say, Sunday, Christmas Day, Good Friday, any bank holiday under and within the meaning of the Bank Holiday Act, 1871, and any Act amending that Act, and any day appointed for public fast, humiliation, or thanksgiving.

4 & 35 Vict. c. 17.

[63-68. *Revocation of Special Order.*]

General.

emedying of ystem and orks.

69.—(1.) If at any time it is established to the satisfaction of the Board of Trade.

(*a*) that the Undertakers are supplying energy otherwise than by means of a system which has been approved by the Board of Trade or (except in accordance with the provisions of the Special Order) have permitted any part of their circuits to be connected with earth or placed any electric line above ground; or

(*b*) that any electric lines or works of the Undertakers are defective, so as not to be in accordance with the provisions of the Special Order or the Board of Trade regulations; or

(*c*) that any work of the Undertakers or their supply of energy is attended with danger to the public safety, or injuriously affects any telegraphic line of the Postmaster-General,

the Board of Trade may by order specify the matter complained of, and require the Undertakers to abate or discontinue it within such period as is therein limited in that behalf, and if the Undertakers make default in complying with the order they shall be liable to a penalty not exceeding twenty pounds for every day during which the default continues.

(2.) The Board of Trade may also if they think fit by the same or any other order forbid the use of any electric line or work as from such date as may be specified in that behalf until the order is complied with, or for such time as may be so specified, and if the Undertakers make use of any such electric line or work while the use thereof is so forbidden they shall be liable to a penalty not exceeding one hundred pounds for every day during which the user continues.

(3.) In any case of non-compliance with an order under this section, whether a pecuniary penalty has been recovered or not, the Board of Trade, if in their opinion the public interest so requires, may revoke the Special Order on such terms as they think just.

Publication of regulations.

70.—(1.) The Board of Trade regulations for the time being in force shall within one month after they have come into force, as made or last altered, be printed at the expense of the Undertakers, and a true copy thereof, certified by or on behalf of the Undertakers, shall be kept by the Undertakers at their principal office within the area of supply, and supplied to any person demanding them at a price not exceeding sixpence for each copy, and where the local authority are not themselves the Undertakers, a like copy shall also be forthwith served upon the local authority.

(2.) If the Undertakers make default in complying with the provisions of this section they shall be liable to a penalty not exceeding five pounds, and to a daily penalty not exceeding five pounds.

[71. Nature and amount of Security.]
[72. Proceedings of Board of Trade.]
[73. Approval or consent of Board of Trade.]
[74. Notice of approval of Board of Trade &c. to be given by advertisement.]

Notice of application for extension of time, &c. to be given to local authority.

75. If, in a case where the local authority are not themselves the Undertakers, any application is made to the Board of Trade to extend any time limited for the performance of any duties by the Undertakers, notice of the application shall be served on the local authority by the Undertakers, and an opportunity shall be given to the local authority to make representations or objections with reference thereto.

Recovery and application of penalties.

76.—(1.) All penalties, fees, expenses, and other moneys recoverable under the Special Order, or under the Board of Trade regulations, the recovery of which is not otherwise specially provided for, may be recovered summarily in manner provided by the Summary Jurisdiction Acts.

(2.) Any penalty recovered on prosecution by an officer of the local authority, in a case where the local authority are not themselves the Undertakers, shall, if there is an electric inspector for

62 & 63 Vict., Cap. 19.

the time being appointed by the local authority, be paid to that officer and by him to the local authority, and shall be applied in aid of the local rate.

(3.) Any penalty recovered on prosecution by any other body or person, or any part thereof, may, if the court so direct, be paid to that body or person.

Undertakers to be responsible for all damages.

77. The Undertakers shall be answerable for all accidents, damages, and injuries happening through the act or default of the Undertakers, or of any person in their employment, by reason of or in consequence of any of the Undertakers' works, and shall save harmless all authorities, bodies, and persons by whom any street is repairable, and all other authorities, companies, and bodies collectively and individually, and their officers and servants, from all damages and costs in respect of those accidents, damages and injuries.

[78. As to mortgages.]

[79. Saving for Postmaster-General.]

[80. Saving rights of the Crown in the foreshore.]

[81. Undertakers not exempted from proceedings for nuisance.]

[82. Provision as to general Acts.]

Application to Scotland.

Application to Scotland.

83. In the application of the provisions of this schedule to Scotland the following modifications shall be made:—

(1.) The expression "arbiter," shall be substituted for the expression "arbitrator."

(2.) "The sheriff of the county or any of his substitutes" shall be substituted for "a court of summary jurisdiction."

(3.) References to recovery summarily as a civil debt shall be construed as references to recovery summarily.

(4.) The expression "complainer" shall be substituted for the expression "complainant," and the expression "defender" for the expression "defendant."

(5.) "The Secretary for Scotland" shall be substituted for "the Local Government Board."

38 & 39 Vict. c. 55.

(6.) The reference to section two hundred and sixty-five of the Public Health Act, 1875, shall not apply.

(7.) A reference to the Edinburgh Gazette shall be substituted for a reference to the London Gazette.

Application to Ireland.

Application to Ireland.

84. In the application of the provisions of this schedule to Ireland the following modifications shall be made:—

(1.) References to recovery summarily as a civil debt shall be construed as references to recovery before a court of summary jurisdiction.

41 & 42 Vict. c. 52.

38 & 39 Vict. c. 55.

(2.) A reference to section two hundred and sixty-four of the Public Health (Ireland) Act, 1878, shall be substituted for a reference to section two hundred and sixty-five of the Public Health Act, 1875, and in the construction of that section, as incorporated in this schedule, "sanitary authority" shall mean "the local authority as Undertakers."

61 & 62 Vict. c. 37.

(3.) Where the repair of any street or public bridge in a rural district is a public work within the meaning of the Local Government (Ireland) Act, 1898, that street or bridge shall, for the purpose of the provisions of this schedule, be deemed to be repairable by the county council and not by the district council.

(4.) A reference to the Local Government Board for Ireland shall be substituted for a reference to the Local Government Board.

(5.) A reference to the Dublin Gazette shall be substituted for a reference to the London Gazette.

62 & 63 Vict., Cap. 46.

IMPROVEMENT OF LAND ACT, 1899.

62 & 63 Vict., Cap. 46. An Act to amend the Enactments relating to the Improvement of Land. [9th August 1899.]

* * *

Extension to Scotland of enactments adding to list of authorised improvements.

2. So much of the enactments mentioned in the First Schedule to this Act as make additions to the improvements authorised by section nine of the principal Act shall, subject to the restrictions contained in those enactments, have effect in Scotland.

* * *

Commencement and short title.

9.—(1.) This Act shall come into operation on the first day of January next after the passing thereof.

(2.) This Act may be cited as the Improvement of Land Act, 1899, and the principal Act and this Act may be cited together as the Improvement of Land Acts, 1864 and 1899.

SCHEDULE.

ENACTMENTS EXTENDING LIST OF AUTHORISED IMPROVEMENTS.

Session and Chapter.	Short Title.
40 & 41 Vict. c. 31.	The Limited Owners Reservoirs and Water Supply Further Facilities Act, 1877.

63 & 64 Vict., Cap. 228.

CITY OF LONDON (VARIOUS POWERS) ACT, 1900.

63 & 64 Vict., Cap. 228. An Act to empower the Corporation of the City of London * * * to make further and better accommodation for the laying of pipes wires and other apparatus in over or under streets * * * and for other purposes.

[6th August 1900.]

[Preamble.]

Short title.

1. This Act may be cited as the City of London (Various Powers) Act 1900.

This Act applies to the City of London only, and does not appear to have yet been brought into operation as regards the construction of subways for the laying of pipes. The heads, however, of its provisions relating to public service works (including such subways) are given hereunder.

30. [Power to construct public service works in streets.]

31. [Public service works to be constructed in accordance with plans and sections deposited with Board of Trade.]

32. [Public service works to vest in corporation.]

33, 34. [Removal of pipes and wires into public service works.]

35. [Charge for use of public service works.]

36. [Cesser of powers to break up streets.]

37. [Maintenance of pipes and public service works.]

38. [Superintendent of public service works and other officers.]

39. [Connections of wires in public service works with other wires.]

40. [Byelaws.]

41. [No byelaws to come into operation until allowed by Board of Trade.]

42. [As to liability for accidents.]

43. [Cases of emergency.]

44-46. [Protective clauses.]

47. [Arbitrator, how appointed.]

48. [For protection of Postmaster General.]

49. [Not to authorise placing unauthorised wires in subways.]

50. [Company's obligation to give notice not to be affected.]

63 & 64 Vict., Cap. 272.

METROPOLIS GAS (PREPAYMENT METER) ACT, 1900.

63 & 64 Vict., Cap. 272. An Act for regulating the charges to be made by the Gas Light and Coke the South Metropolitan Gas and the Commercial Gas Companies in the Administrative County of London in respect of gas supplied by means of prepayment meters. [6th August 1900.]

[Preamble.]

Short title.

1. This Act may be cited for all purposes as the Metropolis Gas (Prepayment Meter) Act 1900.

Interpretation.

2. In this Act—

"The council" means the London County Council;

"The corporation" means the mayor and commonalty and citizens of the city of London;

The expression "the Companies" means the Gas Light and Coke Company the Commercial Gas Company and the South Metropolitan Gas Company and the expression "the Company" means each of the said Companies;

The word "fittings" means pipes burners stoves and other fittings used in connexion with the consumption of gas supplied by means of prepayment meters;

The expression "prepayment meter" means any meter or appliance by which the quantity of gas supplied is regulated according to the amount of money prepaid therefor.

Charges for gas.

3. The Companies respectively shall not charge for any gas supplied through a prepayment meter any greater charge rate or rent than the Companies are respectively entitled by law to charge for gas supplied to private consumers through any other kind of meter or by any other method of supply.

Charges for hire of prepayment meters.

4. The Companies shall not charge for the hire of any prepayment meter and fittings to be used therewith any sum other than a sum of money calculated according to the quantity of gas supplied through such prepayment meter and the maximum sum to be so charged shall be at the rate of tenpence per one thousand cubic feet supplied

63 & 64 Vict., Cap. 272.

in manner aforesaid such sum to include the hire of one meter and the fittings used therewith.

The said charge shall include the providing letting fixing repairing and maintenance of the meter and fittings and the cost of collection inspection and any other cost incurred by the Company in connexion with the meter and fittings.

Revision of rate.

5. The rate fixed by the last preceding section shall be open to revision by the Board of Trade in manner following (that is to say):—

If at any time after the expiration of seven years from the date of this Act or from the date of any inquiry under this section any of the Companies or the council or the corporation request the Board of Trade in writing to revise the said rate the Board of Trade shall appoint a competent and impartial arbitrator who shall hold an inquiry and fix a maximum rate to be substituted for the rate aforesaid Provided that the Board of Trade may at any time if they think fit at such request put into operation the provisions of this section:

At least twenty-eight days before the holding any inquiry under this Act the Board of Trade shall give to each of the Companies to the council and to the corporation notice of such inquiry and of the time and place thereof and each of the Companies the council and the corporation shall be entitled to attend and to be heard at such inquiry.

Form of receipt.

6. The Company shall in collecting any money for gas supplied by means of prepayment meters give a receipt for the same in a form which shall show clearly the rate per one thousand cubic feet charged for gas and in addition the rate in respect of meters and fittings charged therewith under this Act.

Maximum charge for hire of meters without fittings.

7. The maximum charge for the hire of a prepayment meter without fittings shall be at the rate of ten per centum per annum on the cost of the meter to the Companies respectively and the Companies Acts respectively applicable to ordinary meters shall so far as applicable apply within the Companies respective districts to prepayment meters.

Costs of Act.

8. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be defrayed as payments for general county purposes within the meaning of the Local Government Act 1888.

BURGH SEWERAGE, DRAINAGE, AND WATER SUPPLY (SCOTLAND) ACT, 1901.

1 Edw. 7, Cap. 24. An Act to amend the Law in regard to the Sewerage and Drainage and Water Supply of Burghs in Scotland. (*a*)

[17th August 1901.]

[Introductory words.]

Part I.

Security for sums borrowed for sewers, &c.

1. Where sums of money have been borrowed or are owing by the town council or commissioners of a burgh under any Act for purposes of sewerage and drainage or water supply, the town council as the authority under the Burgh Police (Scotland) Act, 1892 (herein-after referred to as the principal Act), as amended by the Town Councils (Scotland) Act, 1900, shall provide the sums necessary for repaying the principal and paying the interest of such sums out of the assessments herein-after mentioned, and the said sums shall constitute a charge on the said assessments, and the creditors shall have all the powers, rights, and remedies at the passing of this Act exerciseable by a lender of money on the security of the assessments originally assigned to them, and the said assessments herein-after mentioned shall be deemed to be assigned to such creditors in security of their debt.

55 & 56 Vict. c. 55. 63 & 64 Vict. c. 49.

Sewer and water assessments.

2. In any burgh, or in any special or separate drainage district formed therein under any Act, the expense incurred either before or after the passing of this Act for sewerage and drainage or water supply, as the case may be, within the same, or for the purposes thereof, and the sums necessary for repayment of any money borrowed therefor either before or after the passing of this Act, together with the interest thereof, shall be paid out of a sewer assessment or water assessment, as the case may be, which the town council of the burgh shall raise and levy on and within such burgh or (in the case of the sewer assessment) within such special or separate district, in the

(*a*) Short Title, the Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901. See s. 10.

1 Edw. 7, Cap. 24.

same manner, and with the same remedies and modes of recovery and incidents, as are provided for the public health general assessment therein.

Provided that where a special or separate drainage district has been formed under the provisions of any Act, and drainage works have been executed and are maintained therein, the lands and heritages situated within such special or separate district shall not be liable to assessment for the expense of sewerage and drainage works in other parts of the burgh: Provided also that for shops the water assessment shall be chargeable only on one-fourth of the rental of the premises, unless in special circumstances the town council see cause to charge the ordinary rates, and in that case it shall be lawful for any person who may think himself aggrieved to apply to the sheriff in the manner provided in the principal Act.

The sewer assessment and the water assessment together shall not in any burgh or special or separate drainage district exceed the rate of four shillings in the pound: Provided that if the produce of a rate of four shillings in the pound in any burgh or special or separate drainage district shall not be sufficient to meet the expenditure (including the annual charge for interest and repayment of debt) bonâ fide incurred or contemplated within such burgh or special or separate district, it shall be lawful to increase such rate to such extent as may have been approved of by the Local Government Board for Scotland.

Provided also, that it shall not be lawful to impose any rate in respect of the expenditure within any special or separate drainage district upon any premises without such district

Transference of special districts.

3. All special or separate drainage districts that may have been formed in any burgh under any Public Health Act shall, subject to the provisions of this Act, be deemed to be drainage districts under the principal Act, and any special or separate water supply districts which have been so formed shall cease to exist as such and shall be united to the other parts of the burgh for the purposes of water supply, and all rights and liabilities connected therewith: Provided that nothing herein contained shall affect any special water supply district partly within a county and partly within a burgh, or the provisions relating thereto of section eighty-one of the Local Government (Scotland) Act, 1889, as amended by section forty-four of the Local Government (Scotland) Act, 1894.

Amendment of 55 & 56 Vict. c. 55.

4.—(1.) Section two hundred and thirty-three and section two hundred and thirty-six of the principal Act shall

1 Edw. 7, Cap. 24.

be read as if the sewer assessment herein-before mentioned were substituted for the sewer rates therein mentioned.

(2.) Section two hundred and sixty-four of the principal Act shall be read as though for the words "portion of the "burgh general assessment applicable to the water sup- "ply" the words "water assessment" were substituted.

(3.) Section three hundred and forty-seven of the principal Act shall be read as though for the words 'burgh general assessment so far as it is applicable to water" the words "water assessment" were substituted.

(4.) Section three hundred and sixty-three of the principal Act shall be read and have effect as if for the words "said assessments" the words "sewer assessments" were substituted.

(5.) Notwithstanding anything contained in section two hundred and sixty-nine of the principal Act, the provisions of that Act with respect to supply of water shall apply in the case of any burgh which is supplied with water by the town council thereof under the powers of any local Act or Acts.

Town council, &c. to have powers of 60 & 61 Vict. c. 38.

5. The powers and duties of the town council of any burgh, as the authority under the principal Act, with reference to sewerage and drainage or water supply shall extend to the whole area of the burgh as existing for the purposes of the Public Health (Scotland) Act, 1897, and the town council of any burgh, as the authority under the principal Act, in addition to the powers conferred upon them by the principal Act, or any other Act, shall, with reference to sewerage and drainage or water supply within such area, have the same rights, powers, and privileges as are conferred by the Public Health (Scotland) Act, 1897, upon local authorities under that Act in districts other than burghs, with the exception of the rights, powers, and privileges conferred by sections one hundred and twenty-two and one hundred and thirty-one of the last-mentioned Act, to which sections the present section shall not apply, and in so far as necessary for giving effect to this enactment the last-mentioned Act and the Acts and parts of Acts incorporated therewith are, subject to the necessary modifications, incorporated with the principal Act.

Provided that all costs and charges incurred by the town council in the exercise of such rights powers and privileges shall be provided for out of the sewer assessment or water assessment before mentioned, as the case may be, and that where it shall be necessary for the town council to borrow money for the purposes of sewerage and drainage or water supply they shall be entitled to do so on the security of the sewer assessment or water assessment

1 Edw. 7, Cap. 24.

herein-before mentioned, in lieu of the assessments mentioned in the principal Act, or the Public Health (Scotland) Act, 1897, as the case may be.

Part II.

Amendment of 60 & 61 Vict. c. 38.

6.—(1.) Section one hundred and forty-seven of the Public Health (Scotland) Act, 1897, shall be read as though the words "or in the Burgh Police (Scotland) Act, 1892," were inserted after the word "herein."

(2.) Section two hundred and sixty-one of the principal Act shall be read and have effect as if for the words "for other purposes" the words "for these purposes" were substituted.

Repeal.

7. The Acts specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column in so far as the same apply to burghs to which this Act applies from its commencement.

Application of Act.

8. The term "burgh" in this Act has the meaning assigned to it in the principal Act, but Part I. of this Act shall not apply—

(1) to any burgh to which the principal Act does not apply;

(2) to any burgh in which at the passing of this Act a local Act (including an Act confirming a Provisional Order) is in force with respect to sewerage, drainage, or water supply.

Provided that it shall be in the power of the town council of any burgh to which Part I. of this Act does not apply from its commencement by resolution to adopt Part I. of this Act, and from and after the date specified in such resolution Part I. of this Act shall come into force in the burgh, and the Acts specified in the schedule to this Act shall in so far as the same apply to such burgh be deemed to be repealed to the extent mentioned in the third column thereof and all local Acts (including as aforesaid) which apply exclusively to such burgh, so far as inconsistent with or dealing with the same matters as Part I. of this Act, shall also be repealed, which Acts or portions of Acts shall be specified in the resolution. Every such resolution shall be forthwith communicated to the Secretary for Scotland.

Commencement of Act.

9. This Act shall come into operation on the fifteenth day of May, one thousand nine hundred and two, which date is herein called the commencement of this Act.

Short title and extent.

10. This Act may be cited as the Burgh Sewerage, Drainage, and Water Supply (Scotland) Act, 1901, and shall apply to Scotland only.

SCHEDULE.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
55 & 56 Vict. c. 55.	Burgh Police (Scotland) Act, 1892.	Section 227 from the words "and the Commissioners" to end of section. Section 232. Section 340 from "a rate equal to four shillings" to "otherwise at." Section 347 the words "in terms of this Act." Section 361. Section 362. Section 364.
60 & 61 Vict. c. 38.	Public Health (Scotland) Act, 1897.	Sections 101, 113, 133, 134, and 137.

31 & 32 Vict., Cap. 106.

PART II.

SPECIAL ACTS

RELATING TO THE

SUPPLY OF GAS IN THE METROPOLIS.

GASLIGHT AND COKE COMPANY'S ACT, 1868.

* * *

2. The * * *, and the Gasworks Clauses Act, 1847, * * * are (except where expressly varied by this Act) incorporated with and form Part of this Act. * * * 10 & 11 Vict. c. 15., * * * incorporated.

3. The several Words and Expressions to which by the Acts in whole or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless there be in the Subject or Context something repugnant to the Construction; and the Expression "the Company" means the Gaslight and Coke Company; * * * and the Expression "the Gas Limits" means the Limits from Time to Time within which the Company may supply Gas; * * * and the Expression "the Metropolis" has the same Meaning as in the Metropolis Gas Act, 1860; and the Expression "the Metropolitan Gas Companies" means and includes the several Gas Companies mentioned in the Preamble to the Metropolis Gas Act, 1860, other than the Company; * * * and the Expression "Superior Courts," or "Court of competent Jurisdiction," or any other like Expression in this Act or any Act in whole or in part incorporated with this Act, shall for the Purposes of this Act be read and Interpretation of Terms.

31 & 32 Vict., Cap. 106.

have effect as if the Debt or Demand with respect to which the Expression is used were a common Simple Contract Debt, and not a Debt or Demand created by Statute; * * *

* * *

Company subject to Metropolis Gas Act, 1860.

8. The Company shall be and continue subject to the Powers and Provisions of the Metropolis Gas Act, 1860, and of any Act passed or hereafter to be passed for amending the same, and entitled to the Powers and Privileges of those Acts, as if this Act were not passed, so far as the same are not varied by this Act.

* * *

Power to Company and Metropolitan Gas Companies to make agreements.

61. The Company on the one hand, and any or either of the Metropolitan Gas Companies on the other hand, may from Time to Time enter into and carry into effect Contracts and Agreements with respect to the following Purposes or any of them; that is to say,

The Supply by the Company of Gas in Bulk to any other Company, Party to any such Agreement, for Distribution by such last-mentioned Company within their District:

The laying down and maintaining of Mains or Pipes to connect the Mains of the Company with the Mains and Pipes of any such other Company already laid down, or hereafter to be laid down, within the District of such last-mentioned Company:

The Payments to be made for, and the Terms and Conditions upon which, such Supply shall be afforded, and such Mains and Pipes shall be laid down and maintained.

Power to Company to lay down Mains, &c. generally.

62. Subject to the Provisions of the Gasworks Clauses Act, 1847, and of the Acts for the Time being in force relating to the Local Management of the Metropolis, the Company from Time to Time may lay down, make, alter, discontinue, remove, and renew Gas Mains, Pipes, and other Apparatus, with all Cuts, Drains, Watercourses, and other requisite incidental Works and Conveniences, in, through, along, across, or under the Streets within the Gas Limits and the other Streets in that Behalf specified in this Act, and for that Purpose may break up and interfere with Streets, Railways, Bridges, Rivers, Aqueducts, Cuts, Canals, and other Places within the Gas Limits and those other Streets, and may break up and interfere with any Sewers, Drains, and Pipes in, over, or under the same.

31 & 32 Vict., Cap. 106.

Power to lay Pipes against Buildings.

63. The Company, with the Consent of the Owner and Occupier of any Building, may lay any Pipe, Branch, or other proper Apparatus from any Main or Branch Pipe into, through, or against the Building for the Purpose of lighting it, and may, with the like Consent, provide and set up any Apparatus proper for securing to the Building a proper and complete Supply of Gas, and for measuring and ascertaining the Extent of the Supply, and may, with the like Consent, repair, replace, alter, or discontinue and remove any such Pipe or Apparatus.

Notice to Company of putting up Meters.

64. Before any Person connects or disconnects any Meter by which any of the Company's Gas is intended to be or has been registered, he shall give not less than Twenty-four Hours' Notice in Writing to the Company of his Intention so to do, and if any Person fail so to do every Person so offending shall for every such Offence forfeit not exceeding Five Pounds.

Repair of Meters.

65. Every Consumer of Gas of the Company shall at all Times, at his own Expense, keep every Meter belonging to him, whereby any Gas of the Company is registered, in proper Order, and proper and sufficient in all respects for correctly registering the Gas, and in default thereof the Company may cease to supply Gas through the Meter, and the Company shall at all reasonable Times have Access to and be at liberty to take off, remove, test, inspect, and replace any Meter belonging to a Consumer, the taking off, removal, testing, inspecting, and replacing to be done at the Expense of the Company if the Meter be found in proper Order, and proper and sufficient in all respects, but otherwise at the Expense of the Consumer.

Power to Company to let Meters.

66. The Company may make Meters, and may let for Hire any Meter for ascertaining the Quantity of Gas consumed or supplied, and any Fittings thereto, for such Meter Rent in accordance with this Act, and on such Terms with respect to the Repair of the Meter and Fittings, and for securing the Safety and Return to the Company of the Meter, as are agreed upon between the Hirer and the Company, and the Meter Rent shall be recoverable in the same Manner as the Gas Rents; and the Meters and Fittings shall not be subject to Distress or to the Landlord's Claim for Rent of the Premises where the same are used, nor to be taken in Execution under any Process of a Court of Law or Equity, or any Proceedings in Bankruptcy, against any Person in whose Possession the same are.

31 & 32 Vict., Cap. 106.

Power to remove Meters and Fittings.

67. The Company, after Twenty-four Hours' Notice in Writing under the Hand of the Secretary or some other Officer of the Company to the Occupier, or if unoccupied then to the Owner or Lessee of any Land, House, or Building in which any Pipe, Meter, or Fitting belonging to the Company is laid or fixed, and through or in which the Supply of Gas is from any Cause other than the Fault of the Company discontinued, may enter the Premises within the Hours of Nine in the Morning and Four in the Afternoon for the Purpose of removing, and may remove, the Pipes, Meters, or Fittings, repairing all Damages caused by the Entry or Removal; and every such Notice shall be served by being delivered to the Person for whom it is intended, or left at his usual or last known Place of Abode, or if the Person or his Address be not known to the Company after due Inquiry, then by being affixed on some conspicuous Part of the Premises.

Fraudulently injuring Meters.

68. Every Person who wilfully, fraudulently, or by culpable Negligence injures or suffers to be injured any Meter or Fitting of the Company, or fraudulently alters the Index to any Meter, or prevents any Meter from duly registering the Quantity of Gas supplied, or connects with a Meter any Gas Burners of a Number or Size greater than the Number or Size proportioned to the Size and Capacity of the Meter, shall, without Prejudice to any other Right or Remedy for the Protection of the Company or the Punishment of the Offender, for every such Offence forfeit and pay to the Company not exceeding Five Pounds, and the Company may, in addition thereto, recover the Amount of any Damages by them sustained, and, notwithstanding any Contract with respect to the Supply of Gas to the Person so offending, the Company may also discontinue the Supply of Gas to the Person so offending until the Damage or Injury is remedied, and the Amount of the Damages are paid; and the Existence of artificial Means for the Alteration or Prevention when the Meter is in the Custody or Control of the Consumer shall be primâ facie Evidence that the same has been fraudulently, knowingly, and wilfully caused by the Consumer using the Meter.

For preventing Frauds and Waste of Gas.

69. If and whenever any Person supplied with Gas by the Company wilfully does, or causes or suffers to be done, anything in contravention of any of the Provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the Prevention of the Waste, Misuse, or undue Consumption of the Company's Gas, the Company may cut off or stop any Pipe

by or through which Gas is supplied to him, and cease to supply him with Gas so long as the Cause of Damage or Injury remains or is not remedied, and also may recover in any Court of competent Jurisdiction from every Person so offending the Amount of all Loss, Damage, or Injury which the Company sustain by reason of any such Thing or Failure, and the Remedies of the Company under this Section shall be in addition to their other Remedies in that Behalf. 31 & 32 Vict., Cap. 106.

Recovery of Charges for Gas.

70. In case any Person who has been supplied with Gas by the Company, or who is liable under this Act to any Payment in respect of a Supply of Gas, or the Use or Repair of any Meter, fails for Fourteen Days after Demand thereof by the Company, their Agent or Collector to pay the Amount due in respect of the Supply or of the Meter, any Justice, on Application by the Company, shall issue his Summons to the Person requiring him to appear at a Time and Place named therein, and then and there to show Cause why the Sum so demanded should not be paid; and if on the Appearance of the Person, or, in default of Appearance, after Proof of the Service of the Summons, either personally or at his last known Place of Abode or of Business, sufficient Cause be not shown to the contrary, the Justice shall issue his Warrant of Distress for the Seizure and Sale of the Goods and Chattels of the Person for the Recovery of the Amount proved before the Justice to be due from the Person, with such Costs to be settled by the Justice, and including the Costs of cutting off the Gas, if the same be cut off by the Company, as the Justice thinks just and reasonable.

[As to above s. 70, see also same Company's Act, 1872, s. 17, pp. 516, 517.]

Recovery of Sums due to Company.

71. Whenever any Person fails to pay any Gas Rent or Meter Rent or Sum due and payable by him to the Company, the Company may recover the same in any Court of competent Jurisdiction for the Recovery of Debts of like Amount, and the Remedies of the Company under this Section shall be in addition to their other Remedies for the Recovery of the Rent or Sum.

Register of Meter to be primâ facie Evidence of Gas consumed.

72. The Register of the Meter shall be primâ facie Evidence of the Quantity of Gas consumed by any Customer of the Company, and in respect of which any Rent is charged and sought to be recovered by the Company.

Penalties on Company not cumulative.

73. Penalties imposed on the Company for one and the same Offence by several Acts of Parliament are not

31 & 32 Vict., Cap. 106.

cumulative, and for that Purpose this Act and the Acts incorporated therewith are several Acts.

Liability to Gas Rent not to disqualify Justices.

74. Except as is by this Act otherwise expressly provided, no Justice or Judge of any Court shall be disqualified from acting in the Execution of this Act by reason of his being liable to the Payment of any Gas Rent or Meter Rent or other Charge under this Act.

* * *

Company to be subject to amended Gas Act as well without as within the City.

109. If the Bill, the Short Title of which when passed is intended to be "The City of London Gas Act" (in this Act referred to as the City Gas Act), now pending, pass into a Law in the present Session, then the Company and their Undertaking shall be subject to the Provisions of the City Gas Act without as well as within the City of London and the Liberties thereof, and such Act shall extend to the whole Undertaking of the Company; and for the Purposes of the City Gas Act in relation to the Undertaking of the Company beyond the Limits of the City of London and the Liberties thereof the Metropolitan Board of Works (*a*) shall have all the same Rights, Powers, Authorities, and Obligations as are given to or imposed upon the Mayor, Aldermen, and Commons of the City of London in the City Gas Act as fully as if that Board had been named in such Act instead of the said Mayor, Aldermen, and Commons, so far as relates to the Part of the Undertaking of the Company beyond the Limits of the City.

[So much of the above s. 109 as extends the repealed sections, 25 to 28, 33 to 84, 91 and 92, all inclusive, of the City of London Gas Act, 1868, to places beyond the limits of the city of London and liberties thereof, repealed by Gaslight and Coke Company Act, 1876, s. 8, p. 518; and Schedule B, part 1, p. 525.

Company not exempt from Provisions of General Acts.

110. Nothing in this Act contained shall exempt the Company or their Gasworks from the Provisions of * * * (*b*) the Act for regulating Measures used in Sales of Gas, as amended by subsequent Acts, or any other General Act already or hereafter passed in the present or any future Session of Parliament for regulating Gas Companies in the Metropolis, or for regulating the Supply or Sale of Gas in the Metropolis, and applicable to the Company, or from any future Revision and Alteration by Parliament of the Gas Rents and Meter Rents by this Act authorized.

* * *

(*a*) Now London County Council. See Local Government Act, 1888, s. 40 (8), p. 362.

(*b*) Words "the Metropolis Gas Act, 1860, or," omitted, repealed by same Company's Act, 1873. s. 4, p. 517. But see s. 8 of this Act, p. 508.

CITY OF LONDON GAS ACT, 1868.

(Applicable to Gaslight and Coke Company.)

See pages 186-191.

33 & 34 Vict., Cap. 121.

GASLIGHT AND COKE COMPANY'S ACT, 1870.

* * *

Power to Company and gas companies beyond metropolitan limits to make agreements.

7. The Company (*a*) may, with respect to any gas company beyond the limits of the metropolis as defined by the Act of 1868 (*b*), from time to time enter into and carry into effect contracts and agreements with respect to the following purposes, or any of them; that is to say,—

The supply by the Company of gas in bulk from their works at Beckton, near Barking, to any other gas company party to any such contract or agreement, for distribution by such last-mentioned company within their district:

The laying down and maintaining outside the limits of the metropolis of mains or pipes to connect the mains of the Company with the mains and pipes of any such other gas company already laid down or hereafter to be laid down outside the limits of the metropolis within the district of such last-mentioned Company:

The payments to be made for and the terms and conditions upon which such supply shall be afforded and such mains and pipes shall be laid down and maintained:

And for the purposes of carrying into effect any such contract or agreement the Company may beyond the metropolis exercise all or any of the powers which it might exercise for the purpose of carrying the same into effect

(*a*) The Gaslight and Coke Company. (Preamble.)

(*b*) The Gaslight and Coke Company's Act, 1868. (Preamble.)

33 & 34 Vict., Cap. 121.

if the contract or agreement were entered into by it with any or either of the metropolitan gas companies in pursuance of the said Act of 1868.

Company not to charge for gas supplied to local authorities more than the lowest charge made to private consumers.

8. The Gas Company shall not, otherwise than by special contract in writing, charge a higher price by the one thousand cubic feet of gas supplied to any local authority than the lowest rate by the one thousand cubic feet from time to time charged by them to any private consumers in the district heretofore supplied by the Victoria Docks Gas Company.

Settlement of disputes by arbitration.

9. If any difference arise between the local authority and the Gas Company with respect to any alteration in the test, or to the rate to be charged for gas supplied, or for lighting any public lamp, the difference shall be referred to and be determined by arbitration in the manner prescribed by "The Companies Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration.

* * *

Company may discontinue manufacture of cannel gas.

11. On giving three months notice of their intention so to do, the Company may discontinue the manufacture of cannel gas, and may change the supply to common gas: Provided that the cost of any alteration of service-pipes consequent on such change shall be borne and paid by the Company.

[Supply of cannel gas now discontinued in pursuance of above s. 11.]

Contract to be signed before gas consumed.

12. Every occupier of premises shall, if required by the Company, sign a contract with the Company in the form, as nearly as may be, in the second schedule to this Act annexed, and if any occupier shall refuse to sign such contract, if so required, the Company shall be at liberty to discontinue the supply of gas forthwith, and to remove the meter.

Incoming tenant to give security if required.

13. The fifteenth and sixteenth sections of "The Metropolis Gas Act, 1860," which require security to be given, shall apply to the supply of gas or of meters to any person who succeeds as a tenant in the occupation of a house or premises to which the Company may supply gas, where, at the time of such person's entering into possession, gas was consumed, and who desires to continue to use the gas of the Company, as though the Company had not theretofore supplied the said house or premises, and the Company in default of such person's compliance may discontinue the supply of gas to such person and remove the meter.

33 & 34 Vict., Cap. 121.

14. Where, in any proceeding for the recovery of any gas rent due to the Company from the occupier of any premises it is proved to the satisfaction of the justices or court having cognizance of the case that such occupier occupied the said premises as the agent or servant of some other person, such last-mentioned person shall be liable to pay such gas rent to the Company in the same manner and to the same extent as such occupier.

Gas rents payable by occupiers who are servants may be recovered from their employers.

15. In case any consumer leave the premises where gas was supplied to him without paying to the Gas Company the rate or meter rent due from him, the Gas Company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears, but the Gas Company shall, notwithstanding any such arrears, in the absence of collusion between the outgoing and incoming tenant, supply gas to the incoming tenant as required by this Act, on being required by him so to do.

Tenant not to pay arrears of outgoing tenant unless by express agreement.

[As to above s. 15, see also same Company's Act, 1872, s. 18, p. 517.]

* * *

17. In case of any loss arising from frauds of the Company's servants which the auditor shall certify has arisen from want of due diligence on the part of the directors, such loss shall be deducted from the dividends which may be declared from time to time as aforesaid, and shall in no way interfere with or prevent the reduction in the price of gas to the consumers accruing from surplus profits.

Loss from frauds of Company's servants to be deducted from dividends.

* * *

SECOND SCHEDULE.

THE GASLIGHT AND COKE COMPANY.

I of do hereby contract with the Gaslight and Coke Company for a supply of Gas by meter, on the following terms and conditions; viz., at per thousand cubic feet, and per quarter for the use of the Company's light meter, and if the meter shall from any cause cease or omit to register accurately the quantity of gas used, I hereby agree to pay, in respect of the gas consumed, a reasonable proportion at the above rate, for and during the period of such non-registration. And I agree to pay the rent [quarter]ly, and hold myself liable for all gas consumed on the above premises, whether by myself or others, until notice in writing be given by me to the Company.

I also agree that the meter shall be accessible at all reasonable times to the inspection of the Company's inspector or servants.

Signed

Consumer.

Witness

Inspector.

34 & 35 Vict., Cap. 75.

GASLIGHT AND COKE COMPANY'S ACT, 1871.

* * *

Extension of power of amalgamation to all metropolitan gas companies.

56. Sections eighteen to twenty-four (inclusive) of the City of London Gas Act, 1868, shall, taken in connexion with the amalgamated company, extend and apply to the several gas companies supplying gas within the metropolis, as defined in the Metropolis Gas Act, 1860.

Power to refuse supply to person in debt for other property.

57. If a person requiring a supply of gas from the Company has previously quitted premises at which gas was supplied to him by the Company without paying to the Company all gas and meter rent due from him in respect of such premises, the Company may refuse to furnish to him a supply of gas until all gas rent and other money so due to the Company is paid or satisfied.

* * *

35 Vict., Cap. 23.

GASLIGHT AND COKE COMPANY'S ACT, 1872.

* * *

Construction of Act.

2. The Company's Act, 1868, as amended by this Act, and this Act shall be read and construed together as one Act.

* * *

Recovery of charges for gas.

17. In case any person who shall have been supplied with gas by the Company shall neglect or refuse to pay the amount due in respect of such supply, or the use or repair of any meter, any justice may issue his summons to such person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid; and if on the appearance of such person, or in default of ap-

pearance after proof of the service of the summons, either personally or at the last known place of abode or of business of such person, no sufficient cause can be shown to the contrary, any justice may issue his warrant of distress for the seizure and sale of the goods and chattels of such person for the recovery of the amount which may be proved before such justice to be due from such person, together with such costs, including the cost of cutting off the gas, if the same shall have been cut off by the Company, as to such justice shall seem just and reasonable. 35 Vict., Cap. 23.

[As to above s. 17, see also same Company's Act, 1868, s. 70, p. 511.]

18. In case any consumer leave the premises where gas was supplied to him without paying to the Company the rate or meter rent due from him, the Company shall not require from the next tenant of the premises payment of the arrears so left unpaid, unless the incoming tenant agreed with the defaulting consumer to pay the arrears, or unless the incoming tenant shall continue the trade or business of the outgoing tenant, and shall have paid to the owner, lessee, or mortgagee in possession, or to the outgoing tenant of such premises, a consideration for so doing; but the Company shall, notwithstanding any such arrears, in the absence of collusion between the outgoing and incoming tenant, supply gas to the incoming tenant as required by this Act, on being required by him to do so. Tenant not to pay arrears of outgoing tenant, unless by express agreement.

[As to above s. 18, see also same Company's Act, 1870, s. 15, p. 515.]

* * *

36 & 37 Vict., Cap. 116.

GASLIGHT AND COKE COMPANY'S ACT, 1873.

* * *

4. Section 110 of "The Gaslight and Coke Company's Act, 1868," shall be read and construed as if the words "The Metropolis Gas Act, 1860, or," were omitted therefrom. Amendment of 31 & 32 Vict. c. 6. sec. 110.

* * *

39 & 40 Vict., Cap. 225.

GASLIGHT AND COKE COMPANY ACT, 1876.

* * *

Interpretation of terms.

3. In this Act—

The expression "the Company" means the Gaslight and Coke Company:

The expression "the Corporation" means the mayor and commonalty and citizens of the city of London:

The expression "the Metropolitan Board" means the Metropolitan Board of Works: (*a*)

The term "undertaking" includes all real and personal property, rights, easements, and privileges.

* * *

Repeal of certain enactments.

8. The enactments specified in the first column of Part I. of the Schedule B. to this Act annexed shall to the extent specified in the second column of the same schedule be and the same are hereby repealed, and the enactments of the Metropolis Gas Act, 1860, specified in Part II. of the same schedule shall from and after the passing of this Act cease to relate or apply to or affect the Independent Gaslight and Coke Company.

* * *

[**10.** Profits of Company defined. See now same Company's Act, 1898, s. 15.—(1.), p. 527. See also s. 21 of that Act, p. 529.]

* * *

New shares to be offered by auction or tender.

13. Nothwithstanding anything in this Act contained, the Company shall, when any shares or stock created under the powers of this Act are to be issued, and before offering the same to the holder of any other shares or stock in the Company, and whether the ordinary shares or ordinary stock of the Company are or is not at a premium, offer the same for sale by public auction or by tender within the metropolis in such manner, at such times, and subject to such conditions of sale as the Company shall from time to time determine: Provided that at any such sale the reserved price put upon such shares or stock

(*a*) Now London County Council. See Local Government Act, 1888, s. 40 (8.), p. 362.

shall not be less than the nominal amount thereof, and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction, or the last day for the reception of tenders, as the case may be, and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner; and provided that no priority of tender shall be allowed to any holder of shares or stock in the Company. 39 & 40 Vict., Cap. 225.

14. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the town clerk of the city of London, the clerk to the Metropolitan Board of Works (*a*), and to the secretary of the committee of the London Stock Exchange, at least twenty-eight days before the day of auction or the last day for the reception of tenders, as the case may be, and notice of such intention shall be duly advertised four times during the same period in two or more London daily newspapers. As to notice to be given as to sale, &c. of shares.

15. When any shares or stock created under the powers of this Act have been offered for sale by auction or by tender and not sold, the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of the ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act, 1863: Provided always, that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock created under the powers of this Act. Shares not sold by auction or by tender to be offered to shareholders.

16. Any sum of money which shall arise from the issue of any such shares or stock by way of premium, after deducting therefrom the expenses of and incident to such issue, shall not be considered as profits of the Company, but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company, and shall not be considered as part of the capital of the Company entitled to dividend. Application of premium arising on issue of shares or stock.

* * *

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.) p. 362.

39 & 40 Vict., Cap. 225.

19. The standard price to be charged by the Company for common gas supplied by them shall be three shillings and ninepence per thousand cubic feet: * * * (*a*)

Fixing maximum price of common gas * * *

20. [Maximum price of cannel gas. Supply of cannel gas now discontinued in pursuance of s. 11 of same Company's Act, 1870, p. 514.]

If profits exceed the amount limited, excess to be invested and form an insurance fund.

21. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the [standard rate of dividend (*b*)] the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid up capital of the Company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid up capital of the Company, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Company from accident, strikes, or other circumstances, which in the opinion of the auditor due care and management could not have prevented; and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen: Provided that when and so often as the said fund shall reach one-twentieth part of the paid up capital, the interest thereon shall be carried to the credit of the fund available for dividend: Provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

Application of excess of profits over standard rate of dividend. (*b*)

22. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the [standard rate of dividend (*b*)] on the ordinary share capital or stock of the Company, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year.

(*a*) In lieu of remainder of section, see now same Company's Act, 1898, s. 15. (1.) (2.), p. 527. See also s. 21 of that Act, p. 529.

(*b*) For meaning of words "standard rate of dividend" in sections 21 and 22 and in the latter part of s. 23, see same Company's Act, 1898, s. 15. (3.), p. 527.

39 & 40 Vict., Cap. 225.

23. Where in any year the amount of the standard rate of dividend of the Company on the ordinary share capital or stock of the Company shall by reason of a diminution of the standard price charged by the Company in such year be increased, then out of the amount of the divisible profits of the Company applicable to the payment of such increase, the Company may in such year set apart such sum as they shall think fit, and all sums (if any) so set apart by the Company, and the reserve fund existing at the time of commencement of this Act, may be invested in Government or other securities, and the dividend and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest, and the fund so formed shall be called "the reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year the pay the [standard rate of dividend (*a*)] on the ordinary share capital or stock of the Company, and save as in this Act otherwise provided no sum shall in any year be carried by the Company to any reserve fund.

Power to create a reserve fund out of dividends in excess of the standard rate of dividend, and application thereof.

[**24.** As to conversion of borrowed money into capital.]

25. The gas supplied by the Company shall, with respect to its illuminating power, be such as to produce when consumed at the rate of five cubic feet per hour in the burners hereafter prescribed:

In the case of common gas, a light equal in intensity to the light produced by sixteen candles; [and

In the case of cannel gas, a light equal in intensity to the light produced by twenty candles;]

such candles being sperm candles of six to the pound, each burning one hundred and twenty grains an hour.

Illuminating power.

[As to words in brackets in above section, supply of cannel gas now discontinued under power given by same Company's Act, 1870, s. 11, p. 514.]

26. All gas supplied by the Company shall (except in case of accident or repairs) be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height.

Pressure of gas.

27. The gas referees shall, subject to the provisions of this Act, from time to time prescribe and certify the

Mode and times of testing

(*a*) For meaning of words "standard rate of dividend" in sections 21 and 22 and in the latter part of s. 23, see same Company's Act, 1898, s. 15. (3.), p. 527.

39 & 40 Vict., Cap. 225.

mode to be adopted for testing and recording the illuminating power * * * (*a*) of gas supplied by the Company, and the number of the times of testing.

illuminating power * * * (*a*)

Examination of gasworks by referees.

28. The gas referees shall with all practicable speed after their appointment and the gas referees for the time being may from time to time thereafter inspect the works of the Company and investigate the processes of manufacture carried on therein with the view of ascertaining the means adopted therein for purifying gas, and for preventing nuisance, and may from time to time apply all such tests as they think expedient at the works of the Company or elsewhere for ascertaining the amount of sulphur and ammonia, and of compounds thereof or other impurity with which gas supplied by them is charged.

Access to works.

29. The Company shall give to the gas referees, and each of them, and each of their clerks, servants, and workmen, access to their works, and shall when required afford to them and each of them all facilities for the proper execution of their and his duty.

Purity of gas to be prescribed.

30. The gas referees shall from time to time ascertain with what degree of purity the Company can reasonably be required to make and supply gas continuously, without occasioning a nuisance to the neighbourhood in which the works are situate, and shall thereupon prescribe and certify the maximum amount of impurity in each form with which gas supplied by the Company shall be allowed to be charged, and the time from which the allowance thereof shall be enforced as against the Company, regard being had to the necessity for any alteration of works by the Company consequent on any such certificate.

Mode and times of testing purity of gas.

31. The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the purity of gas supplied by the Company, and the number of the times of testing such purity.

Mode of measuring gas for public lamps.

32. The gas supplied by the Company for public lighting shall if required by either the local authority consuming or the gas Company supplying such gas be supplied by measurement, and the referees shall, if required by either party from time to time, prescribe and certify the mode of ascertaining the quantity of gas consumed by the public lamps.

(*a*) Words "and pressure," omitted, repealed by Gas Companies Acts Amendment Act, 1880, s. 21, p. 340. For substituted provision as to testing of pressure, see s. 6 of that Act, p. 337.

33. Gas supplied by the Company shall be wholly free from sulphuretted hydrogen, and nothing in this Act shall authorise the gas referees to allow of gas being charged with any amount of impurity in that form.

Freedom of gas from sulphuretted hydrogen.

34. The gas referees shall from time to time prescribe and certify the situation, and number of the testing places and the apparatus and materials therein, for testing the illuminating power, purity, * * * (*a*) of the gas to be provided by the Company, one such place at least being prescribed in the city of London, and one or more outside the limits of the said city, and the Company shall provide and maintain such testing places, apparatus, and materials accordingly.

Provision of testing places and apparatus.

35. The prescribed testing places, materials, and apparatus provided by the Company shall be under the control and management of the Corporation or the Metropolitan Board (*b*), according as the same are situate within the city or elsewhere.

Control, &c. of testing places.

36. The Company providing a prescribed testing place may also have a separate testing place in the same building under their own control and management.

Separate testing place for Company.

37. The burner for testing common gas shall be a Sugg's London argand, such as immediately before the passing of this Act was the burner prescribed and used by the gas referees in pursuance of the City of London Gas Act, 1868, for testing common gas, [and the burner for testing cannel gas shall be the burner known as Sugg's steatite batswing, No. 7, such as immediately before the passing of this Act was the burner prescribed and used by the gas referees in pursuance of the City of London Gas Act, 1868, for testing cannel gas,] and three or more models of each of such burners shall be certified as such respectively by the President of the Board of Trade, and one of each of such models shall be deposited with the Warden of the Standards (*c*), one with the Metropolitan Board (*b*), and one with the Commissioners of Sewers of the City of London (*d*).

Description of burner for testing illuminating power.

[As to words within brackets in above s. 37, see note following s. 25, p. 521.]

(*a*) Words "and pressure," omitted, repealed by Gas Companies Acts Amendment Act, 1880, s. 21, p. 340. For substituted provision as to testing of pressure, see s. 6. of that Act, p. 337.

(*b*) Now London County Council. See Local Government Act, 1888, s. 40. (8), p. 362.

(*c*) Now Board of Trade. See Weights and Measures Act, 1878, s. 33, p. 315.

(*d*) Now Common Council. See City of London Sewers Act, 1897, s. 7, p. 470.

39 & 40 Vict., Cap. 225.

Appointment of gas examiners.

38. The Corporation within the City, and the Metropolitan Board (*a*) elsewhere, shall as soon as may be after the passing of this Act respectively appoint, and shall always keep appointed, a competent and impartial person or persons to be a gas examiner or gas examiners for the several testing places within their respective jurisdictions.

Appointment of chief gas examiner.

39. There shall be a chief gas examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

[**40-56.** Testing and Forfeitures. Repealed by Gas Companies Acts Amendment Act, 1880, s. 21, p. 340. For substituted provisions, see ss. 4-20 of that Act, pp. 336-340.]

Auditor of accounts.

57. There shall be an auditor of the accounts of the Company being a competent and impartial person from time to time appointed by and removable by the Board of Trade, which auditor is in this Act referred to as the auditor.

Ascertainment of capital of Company.

58. The auditor shall with all practicable speed after the commencement of this Act investigate the accounts of the Company, and ascertain and certify the amount of its capital, distinguishing share from loan capital, and shall from time to time as new capital shall be expended in like manner ascertain and certify such new capital.

Form of accounts.

59. The auditor shall from time to time prescribe the form of accounts to be kept by the Company.

Periodical audit.

60. The auditor shall during every half year as and when he thinks fit inspect the accounts of the Company and audit the same, and if he finds the same correct he shall certify the same; but if he finds the accounts incorrect in principle or in detail he shall require the Company to correct the same in such manner as he thinks right, and he may if he thinks fit grant a conditional certificate so as to authorise the payment of a dividend subject to correction if need be, and except in the case of a conditional certificate a dividend shall not in any case be declared until the accounts are certified by the auditor. The accounts as and when certified shall be forthwith laid before both Houses of Parliament if Parliament be then sitting, and if Parliament be not then sitting, within seven days after the commencement of the then next session of Parliament.

Facilities for auditor, &c.

61. The Company shall give the auditor, his clerks, and assistants access to the books and documents of the

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

Company, and shall when required furnish to him or them all vouchers and information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty. 39 & 40 Vict., Cap. 225.

62. If the Corporation, the Metropolitan Board (*a*), or the Company think themselves aggrieved by any act, determination, or omission of the auditor, the matter in difference shall be referred to the determination of an arbitrator to be agreed on between them and the auditor, or in default of agreement, to be appointed on the application of any of the parties by the Lord Chief Justice of the Common Pleas, and the reference shall be subject and according to the provisions of the Common Law Procedure Act, 1854, and the cost of the arbitration shall be in the discretion of the arbitrator, whose decision shall with respect to all such matters be final and conclusive, and subject to this provision the directions and determinations of the auditor shall be final and conclusive. Arbitration between parties.

* * *

65. Penalties imposed on the Company for one and the same offence by this Act, and by the several Acts of Parliament relating to the Company, are not cumulative. Penalties not to be cumulative.

* * *

SCHEDULE B.

PART I.

Title of Act.	Extent of Repeal.
The City of London Gas Act, 1868.	Sections 25 to 28, both inclusive. Sections 33 to 84, both inclusive. Sections 91 and 92.
The Gaslight and Coke Company's Act, 1868.	So much of section 109 as extends to the above specified sections of the City of London Gas Act, 1868, by this Act repealed, to places beyond the limits of the city of London and liberties thereof.
The Imperial Gas Act, 1869.	Sections 21 to 23, both inclusive. Sections 25 to 73, both inclusive.

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

39 & 40 Vict., Cap. 225.

PART II.

The Metropolis Gas Act, 1860.	Section 2 as far as it incorporates the provisions of "The Gasworks Clauses Act, 1847," with respect to the amount of profit to be received by the undertakers from the Gasworks carried on for their benefit, or imposes any restriction on a gas company in respect of the rate of dividend.
	So much of section 4 as defines the meaning of the words "common gas" and "cannel gas."
	Sections 7 to 12, both inclusive.
	Sections 25 to 34, both inclusive.
	Sections 37 and 38.
	Sections 40 to 44, both inclusive.

SCHEME

For the Amalgamation of the London Gaslight Company with The Gaslight and Coke Company, in pursuance of Sections 18 to 24 inclusive of The City of London Gas Act, 1868, and of Section 56 of "The Gaslight and Coke Company's Act, 1871." Confirmed by Order in Council, 22nd May, 1883.

[Limit of price for gas supplied south of Thames and to public lamps.]

39 .* * * Provided also that the United Company shall not charge in the districts of the London Company south of the River Thames a higher price per 1000 cubic feet of sixteen candle gas, either for public or private lighting, than the price for the time being charged by the South Metropolitan Gas Company for Gas of the same illuminating power, and Section 86 of the City of London Gas Act, 1868, shall apply as against the United Company to the whole of the public lamps supplied with Gas of similar quality, but not to private consumers, within their districts north of the Thames: * * * (*a*)

(*a*) As to remainder of section (rate of dividend payable under sliding scale to be governed by maximum price charged by united company), see now Gaslight and Coke Company's (Capital Consolidation) Act, 1898, s. 15. (2.), p. 527. See also s. 21 of that Act, p. 529.

61 & 62 Vict., Cap 172.

GASLIGHT AND COKE COMPANY'S (CAPITAL CONSOLIDATION) ACT, 1898.

* * *

Citing of Company's Acts.

2. This Act and the Acts referred to in Part I. of Schedule A. hereto may be cited collectively as the Gaslight and Coke Company's Acts 1868 to 1898.

* * *

Sliding scale as to dividend on ordinary stock.

15.—(1.) From and after January the first one thousand eight hundred and ninety-nine the standard rate of dividend upon the Company's ordinary stock shall be four pounds per centum per annum and such standard rate shall be decreased or increased in accordance with the increase or decrease in the standard price of gas of three shillings and ninepence per one thousand cubic feet (that is to say):—

For every penny or part of a penny charged in any calendar year in excess or in diminution of the standard price of gas the standard rate of dividend shall for such year be reduced or increased by two shillings.

(2.) In the application of such sliding scale the maximum price charged by the Company to private consumers during any calendar year shall be taken to be the price charged in such calendar year and such maximum price is in this Act called the "authorised price" and the rate of dividend on the Company's ordinary stock for the time being distributable in accordance with the above scale is in this Act called the "authorised rate of dividend."

(3.) In sections 21 and 22 and the latter part of section 23 of the Gaslight and Coke Company Act 1876 the words "standard rate of dividend" shall have the same meaning as is herein assigned to the words "authorised rate of dividend."

Application of net profits after providing for dividends on preference stocks.

16. The net profits of the Company which remain after providing for the dividends on the Company's several preference stocks shall be applicable in the first place in paying rateably and without preference or priority a dividend up to three pounds ten shillings per

61 & 62 Vict., Cap. 172.

centum per annum on the Company's three and a half per centum maximum stock and up to two pounds sixteen shillings per centum per annum on the Company's ordinary stock The three and a half per centum maximum stock shall in no case be entitled in any year to any dividend in excess of the rate of three pounds ten shillings per centum per annum but any surplus profits available after the payment of the said dividends of three pounds ten shillings and two pounds sixteen shillings per centum per annum on the three and a half per centum maximum stock and ordinary stock respectively shall be applicable in payment of further dividends on the ordinary stock up to the amount permitted by law So long as the authorised price of gas does not exceed four shillings and ninepence per thousand cubic feet and the authorised rate of dividend on the ordinary stock does not fall below the rate of two pounds sixteen shillings per centum per annum the rate of dividend distributable on the three and a half per centum maximum stock shall continue to be three pounds ten shillings per centum per annum but if the authorised price of gas exceeds four shillings and ninepence per thousand cubic feet or the authorised rate of dividend on the ordinary stock falls below the rate of two pounds sixteen shillings per centum per annum then for every increase of one penny in the authorised price of gas above four shillings and ninepence per thousand cubic feet or fall of two shillings in the authorised rate of dividend on the ordinary stock the rate of dividend on the three and a half per centum maximum stock shall be reduced by two shillings and sixpence Subject to the provisions of this Act the making of dividends on the three and a half per centum maximum stock and the ordinary stock is subject to the provisions of the Companies Clauses Consolidation Act 1845 with respect to the making of dividends.

* * *

Act not to authorise increased insurance fund.

18. Nothing in this Act shall be deemed to authorise the Company to increase the amount of its insurance fund beyond four hundred and sixty thousand two hundred pounds.

Provision in event of purchase of Company's undertaking by public or local authority.

19. Whereas the conversion by this Act authorised may affect the market prices of the Company's stocks Therefore be it enacted that in the event of any purchase of the Company's undertaking by a public or local authority the market prices of the Company's stocks shall not be taken into consideration in determining the price to be paid for the said undertaking.

* * *

21. Any provisions in any of the Acts or schemes referred to in Schedules A and B to this Act inconsistent with or repugnant to the provisions of this Act are hereby repealed to the extent of such inconsistency or repugnance and the Acts referred to in Schedule A to this Act shall save so far as the same may have been repealed apply in regard to the Company throughout its district for the time being.

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Repeal.

SCHEDULE A.

PART I.

Acts of Parliament obtained by the Gas Light and Coke Company and so far as the same are not repealed still applicable to the Company :—

(A) The Gas Light and Coke Company's Act 1868.
(B) The Gas Light and Coke Company's Act 1870.
(C) The Gas Light and Coke Company's Act 1871.
(D) The Gas Light and Coke Company's Act 1872.
(E) The Gas Light and Coke Company's Act 1873.
(F) The Gas Light and Coke Company Act 1876.

PART II.

General Acts applicable to the Company so far as the same are not repealed in regard to the Company :—

The Gasworks Clauses Act 1847.
The Gasworks Clauses Act 1871.
The Metropolis Gas Act 1860.
The City of London Gas Act 1868.

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SCHEDULE B.

PART I.

Schemes of Amalgamation under the City of London Gas Act 1868 and the Gas Light and Coke Company's Act 1871 respectively.

Company amalgamated.	Order in Council confirming Scheme.	Commencement of Scheme.
City of London Gas Light and Coke Company.	March 31st 1870	Jan. 1st 1870.
Great Central Gas Consumers' Company.	July 6th 1870 -	July 6th 1870.
Western Gas Light Company Limited.	Nov. 27th 1872 -	Nov. 27th 1872.
Imperial Gas Light and Coke Company and Independent Gas Light and Coke Company.	March 24th 1876	Jan. 1st 1876.
London Gas Light Company.	May 22nd 1883 -	July 1st 1883.

PART II.

Name of Company.	Title of Act.	Date of Purchase or Amalgamation.
Victoria Docks Gas Company.	The Gas Light and Coke Company's Act 1870.	Jan. 1st 1871.
Equitable Gas Light Company.	The Gas Light and Coke Company's Act 1871.	July 1st 1871.

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SOUTH METROPOLITAN GASLIGHT AND COKE COMPANY'S ACT, 1869.

3. * * *

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act in whole or in part incorporated with this Act, shall for the purpose of this Act be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the words "share" and "shareholders" respectively include, where necessary, stock and stockholders: Interpretation of terms.

* * *

4. Such parts of the Act of 1860 as are described in the first schedule to this Act, and any part of any special Act of the Company inconsistent with this Act, so far only as they respectively relate to the Company, are hereby repealed as from the thirtieth day of September one thousand eight hundred and sixty-nine, and the Act of 1860 so amended shall as to the Company be read throughout as if the Board of Trade had been inserted therein instead of Her Majesty's Principal Secretary of State for the Home Department. Certain sections of 23 & 24 Vict. c. 125., as in schedule to this Act, repealed.

* * *

8. In case of any loss arising from fraud of the Company's servants, which the auditor shall certify has arisen from want of due diligence on the part of the directors, such loss shall be deducted from the dividends which may be declared from time to time as aforesaid, and shall in no way interfere with or prevent the reduction in the price of gas to the consumers accruing from surplus profits. Loss from frauds of Company's servants to be deducted from dividends.

* * *

[**12.** Profits of Company limited. See now same Company's Act, 1896, s. 8, p. 546.]

[**13, 14.** Application of excess of profits beyond 10 per cent. Repealed by same Company's Act, 1876, s. 10, p. 538.]

15. The Board of Trade shall, as soon as may be after the passing of this Act, appoint three compe- Appointment of referees.

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tent and impartial persons, one at least of them having practical knowledge and experience in the manufacture and supply of gas, who shall be called the gas referees (and who are in this Act referred to as the referees), and in case of a vacancy happening among them by death, resignation, or otherwise, shall appoint a competent and impartial person to fill the vacancy, one at least of the three being always qualified as aforesaid.

Continuance of referees.

16. Every person appointed to be one of the referees shall continue in office for one vear only from the date of his appointment, but shall be capable of re-appointment.

Quorum, &c. of referees.

17. Two of the referees shall be a quorum, and at least two of the referees shall concur in every act or determination of the referees.

Certificates of referees.

18. A copy of each certificate of the referees required by this Act shall be sent by them to the Metropolitan Board of Works (*a*) and to the Company.

[**19-66.** Testing, Illuminating Power and Price and revision of scale of same, Quarterly Report of Chief Gas Examiner, Register of Gas made, Forfeitures, Accounts, and Pressure of Gas. Repealed by same Company's Act, 1876, s. 10, p. 538.]

Governors for street lamps.

67. The Company, in supplying gas to public lamps, or the parish authorities, may, at their own expense, cause to be affixed to each lamp a street lamp governor, and the parish authorities or the Company (as the case requires) shall be entitled to have access thereto for the purpose of examining the same; and in case any dispute arises between the Company and the parish authorities with reference to the affixing, operation, or inspection of governors, the same shall be referred to the determination of the chief gas examiner, whose decision shall be final and conclusive.

Limit of charge for gas supplied to public lamps.

68. The Company shall not charge a higher price per one thousand cubic feet for gas supplied to the public lamps than the lowest price per one thousand cubic feet charged by them at the same time to any private customer; but if the Company contend that there are special circumstances justifying them in charging a lower price to any other customer, the question shall be determined by arbitration whether or not such lower price shall be taken as the standard for the price to be charged, and the price fixed by such arbitration shall continue for two years at least.

Settlement of differences by arbitration.

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

69. Section thirty-eight of the Act of 1860 shall for the purposes of this Act be read as if "The Lands Clauses Consolidation Act, 1845," were therein mentioned instead of "The Companies Clauses Consolidation Act, 1845." 32 & 33 Vict., Cap. 130.

70. The Company shall within six months of the passing of this Act make a map of the district within which their mains or pipes may be laid to a scale of not less than three feet to a mile, and shall show thereupon the lines and sizes of all their existing mains or pipes excepting the service pipes, and shall once in every year, on or before the thirty-first day of December, correct such map and make such alterations in or additions thereto as may be necessary to show correctly as near as may be the lines, positions, and sizes of the various pipes, and shall keep such map in the principal office of the Company, and the same shall be open to the inspection of the Board of Works (*a*) and their officers and to the public generally, who may inspect or take copies of or extracts of the same, and the Company may charge and take the sum of one shilling for each inspection of such map, and the further sum of two shillings and sixpence for each extract, tracing, or copy taken of such map. Company to make a map of mains and appliances beneath the public ways.

71. If the Company wilfully fail to comply with any requirements of this Act in respect of such map, they shall for every such offence forfeit and pay any sum which two justices of the peace may adjudge, not exceeding the sum of fifty pounds. Penalty on Company for default.

72. When any person shall enter upon the occupation of a house or premises to which at the time of such entering gas is furnished by the Company, and shall continue or propose to continue the use of such gas, he shall, if so required in writing by the Company or any of their officers, give to the Company security for the payment of the gas to be supplied to him, and for the rent of the meter, in the manner and upon the conditions prescribed by the fifteenth and sixteenth sections of the Metropolis Gas Act, 1860; and in the event of his failing to provide such security within seven days after it has been so required, the Company may discontinue the supply, without prejudice, nevertheless, to their right to recover from the said person the price of the gas consumed by him during his occupancy of the said house or premises. Incoming tenants continuing the use of gas to give security to Company.

73. Notwithstanding anything contained in "The Metropolis Gas Act, 1860," the Company shall not be Fixing minimum rent for gas.

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

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compelled to lay on gas for any stable or other outbuilding where the Company do not supply gas to the house to which such stable or outbuilding belongs, unless the person requiring such gas shall agree that the consumption of gas in such stable or outbuilding be at the rate of at least ten shillings per annum, or unless such person shall pay the expense of service pipe and meter.

Deposit in case of dispute.

74. Where a dispute arises between the Company and one of their customers respecting any payment to be made to the Company, if the customer deposits with the Company by way of security the amount claimed by them, it shall not be lawful for the Company to discontinue the supply of gas to the customer by reason of the dispute, but nothing herein shall authorize the Company, where such deposit is not made, to discontinue the supply of gas to the customer in any case in which they would not have been authorized to do so if this Act had not been passed.

Notice to Company of connecting or disconnecting meters.

75. Before any person connects or disconnects, or allows any other person to connect or disconnect, any meter by which any of the Company's gas is intended to be or has been registered, he shall give not less than twenty-four hours' notice in writing to the Company of his intention so to do, and if any person fail so to do every person so offending shall for every such offence forfeit not exceeding five pounds.

Repair of meters.

76. Every consumer of gas of the Company shall at all times at his own expense keep every meter belonging to him whereby any gas of the Company is registered in proper order, and proper and sufficient in all respects for correctly registering the gas, and in default thereof the Company may cease to supply gas through the meter, and the Company shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter belonging to a consumer, the taking off, removal, testing, inspecting, and replacing the taking off, removal, testing, inspecting, and replacing be found in proper order, and proper and sufficient in all respects, but otherwise at the expense of the consumer; and if any consumer refuses or prevents the access to and the removal of such meter for the purpose aforesaid, it shall be lawful for the Company to cut off the supply of gas without further notice.

Power to remove meters and fittings.

77. The Company, after twenty-four hours' notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if unoccupied,

then to the owner or lessee of any land, house, or building in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of gas is, from any cause other than the fault of the Company, discontinued, may enter the premises within the hours of nine in the morning and four in the afternoon, for the purpose of removing, and may remove, the pipes, meters, or fittings, repairing all damages caused by the entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or if the person or his address be not known to the Company after due inquiry, then by being affixed on some conspicuous part of the premises. 32 & 33 Vict. Cap. 130.

Fraudulently injuring meters.

78. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fitting of the Company, or fraudulently alters or suffers to be altered the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, or connects or suffers to be connected with a meter any gas burners of a number or size greater than the number or size proportioned to the size and capacity of the meter, shall, without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender, for every such offence forfeit and pay to the Company not exceeding five pounds, and the Company may in addition thereto recover the amount of any damages by them sustained; and notwithstanding any contract with respect to the supply of gas to the person so offending, the Company may also discontinue the supply of gas to the person so offending, and the existence of artificial means for the alteration or prevention when the meter is in the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently, knowingly, and wilfully caused by the consumer using the meter.

For preventing frauds and waste of gas.

79. If and whenever any person supplied with gas by the Company wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of the Company's gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of damage or injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the

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amount of all loss, damage, or injury which the Company sustain by reason of any such thing or failure, and the remedies of the Company under this section shall be in addition to their other remedies in that behalf.

Recovery of charges for gas.

80. In case any person who has been supplied with gas by the Company, or who is liable under this Act to any payment in respect of a supply of gas, or the use or repair of any meter, fails for fourteen days after demand thereof by the Company, their agent or collector, to pay the amount due in respect of the supply or of the meter, any justice, on application by the Company, shall issue his summons to the person requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid, and if on the appearance of the person, or in default of appearance after proof of the service of the summons, either personally or at his last known place of abode or of business, sufficient cause be not shown to the contrary, the justice shall issue his warrant of distress for the seizure and sale of the goods and chattels of the person for the recovery of the amount proved before the justice to be due from the person, with such costs to be settled by the justice, and including the costs of cutting off the gas, if the same be cut off by the Company, as the justice thinks just and reasonable.

Recovery of sums due to Company.

81. Whenever any person fails to pay any gas rent or meter rent or sum due and payable by him to the Company, the Company may recover the same in any court of competent jurisdiction for the recovery of debts of like amount, and the remedies of the Company under this section shall be in addition to their other remedies for the recovery of the rent or sum.

Register of meter to be primâ facie evidence of gas consumed.

82. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Company.

Penalties on Company not cumulative.

83. Penalties imposed on the Company for one and the same offence by several Acts of Parliament are not cumulative, and for that purpose this Act and the Acts incorporated therewith are several Acts.

As to penalties.

84. Every forfeiture and penalty payable under the provisions of this Act shall be recovered in the manner prescribed by "The Gasworks Clauses Act, 1847," "with respect to the recovery of damages not specially provided for and of penalties," and if payable by the Company shall be borne and paid by and out of the divisible profits of the Company.

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Liability to gas rent not to disqualify justices.

85. Except as is by this Act otherwise expressly provided, no justice or judge of any court shall be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any gas rent or meter rent or other charge under this Act.

Remuneration and expenses of gas referees, &c.

86. The remuneration of the referees and of the chief gas examiner and of the auditor shall be such as the Board of Trade from time to time direct, and the same and all expenses properly incurred by them in or about the execution of their duties shall be paid by the Company, on demand, to such fund or account and in such manner as the Board of Trade from time to time direct, and shall be a debt due from the Company to the Crown, and shall be recoverable accordingly with costs.

Remuneration and expenses of gas examiners.

87. The remuneration of the gas examiners and all expenses incurred by them in executing their duties shall be paid by the Metropolitan Board of Works. (*a*)

Company not exempt from provisions of general Acts.

88. Nothing in this Act contained shall exempt the Company or their gasworks from the provisions of "The Metropolis Gas Act, 1860," excepting so far as those provisions are varied by this Act, or of "The Act for regulating Measures used in Sales of Gas," as amended by subsequent Acts, or of any other general Act already or hereafter passed in the present or any future session of Parliament for regulating gas companies in the metropolis, or for regulating the supply or sale of gas in the metropolis, and applicable to the Company, or from any future revision and alteration by Parliament of the gas rents and meter rents by this Act authorized.

* * *

The SCHEDULE to which the foregoing Act refers.

Parts of "Metropolis Gas Act, 1860," so far as they relate to the South Metropolitan Gaslight and Coke Company, repealed.

Section two, so far as it incorporates the provisions of "The Gasworks Clauses Act, 1847," with respect to the amount of profit to be received by the undertakers from the gasworks carried on for their benefit, or imposes any restriction on a company in respect of the rate of dividend.

Sections seven to twelve, both inclusive.

Sections twenty-five to thirty-four, both inclusive.

Section thirty-seven.

Sections forty and forty-one.

(*a*) Now London County Council. See Local Government Act, 1888, s. 40 (8), p. 362.

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SOUTH METROPOLITAN GAS-LIGHT AND COKE COMPANY'S ACT, 1876.

* * *

Interpretation of terms.

4. The several words and expressions to which * * * by the recited Acts relating to the Company (*a*) meanings are assigned have in this Act the same respective meanings, unless there be in the subject or context something repugnant to such construction

* * *

6. Profits of Company defined. See now same Company's Act, 1896, s. 8, p. 546.

* * *

Repeal of certain parts of Act of 1869.

10. Sections 13 and 14 and sections 19 to 66, both inclusive, in the Act of 1869 are hereby repealed.

* * *

[**13-16.** Auction Clauses. Repealed by same Company's Act, 1896, s. 5. (1), p. 546.]

* * *

[**21.** Fixing maximum price of gas with sliding scale as to dividend. Repealed by same Company's Act, 1900, s. 5. (3), p. 551. For substituted provision see that Act, s. 5. (1) (2), pp. 550, 551.

If profits exceed the amount limited, excess may be invested, and form an insurance fund.

22. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rate of dividend, the excess beyond the sum necessary for that purpose may from time to time, to the extent of one per centum per annum upon the paid-up capital of the Company, be invested in Government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Company, which sum shall form an insurance fund to meet any extraordinary claim, demand, or charge which may at any time arise against or fall upon the Company from accident, strikes, or other circum-

(*a*) The Company's Acts of 1842, 1865 and 1869.

stances which, in the opinion of the auditor, due care and management could not have prevented, and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time as often as such reduction shall happen: Provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital, the interest thereon shall be carried to the credit of the fund available for dividend: Provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid. 39 & 40 Vict., Cap. 229.

23. If the clear profits of the undertaking of the Company in any year amount to a larger sum than is sufficient to pay the standard rate of dividend on the ordinary share capital or stock of the Company, the excess, or such portion of it as is not carried to the insurance fund, shall be carried to the credit of the divisible profits of such undertaking for the next following year. Application of excess of profits over standard rate of dividend.

24. Where in any year the amount of the standard rate of dividend of the Company on the ordinary share capital or stock of the Company shall by reason of a diminution of the standard price charged by the Company in such year be increased, then, out of the amount of the divisible profits of the Company applicable to the payment of such increase, the Company may in such year set apart such sum as they shall think fit, and all sums (if any) so set apart by the Company and the reserve fund existing at the time of commencement of this Act may be invested in Government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities, in order that the same may accumulate at compound interest, and the fund so formed shall be called "The Reserve Fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the standard rate of dividend on the ordinary share capital or stock of the Company, and save as in this Act otherwise provided no sum shall in any year be carried by the Company to any reserve fund. Power to create a reserve fund out of dividends in excess of the standard rate of dividend, and application thereof.

[**25.** As to conversion of borrowed money into capital.]

26. The gas supplied by the Company shall, with respect to its illuminating power, be such as to produce when consumed at the rate of five cubic feet per hour Illuminating power.

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in the burner by this Act prescribed a light equal in intensity to the light produced by [sixteen (*a*)] sperm candles of six to the pound, each burning 120 grains an hour.

Pressure of gas.

27. All gas supplied by the Company shall (except in case of accident or repairs) be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height.

Mode and times of testing illuminating power * * * (*b*)

28. The gas referees shall, subject to the provisions of this Act, from time to time prescribe and certify the mode to be adopted for testing and recording the illuminating power * * * (*b*) of gas supplied by the Company, and the number of the times of testing.

Examination of gasworks by referees.

29. The gas referees shall, with all practicable speed after their appointment, and the gas referees for the time being may from time to time thereafter, inspect the works of the Company, and investigate the processes of manufacture carried on therein, with the view of ascertaining the means adopted therein for purifying gas and for preventing nuisance, and may from time to time apply all such tests as they think expedient, at the works of the Company or elsewhere, for ascertaining the amount of sulphur and ammonia and of compounds thereof or other impurity with which gas supplied by them is charged.

Access to works.

30. The Company shall give to the gas referees and each of them, and each of their clerks, servants, and workmen, access to their works, and shall when required afford to them and each of them all facilities for the proper execution of their and his duty.

Purity of gas to be prescribed.

31. The gas referees shall from time to time ascertain with what degree of purity the Company can reasonably be required to make and supply gas continuously, without occasioning a nuisance to the neighbourhood in which the works are situate, and shall thereupon prescribe and certify the maximum amount of impurity in each form with which gas supplied by the Company shall be allowed to be charged, and the time from which the allowance thereof shall be enforced as against the Company, regard being had to the necessity for any alteration

(*a*) For variation of illuminating power, on and after 1st July, 1901, see same Company's Act, 1900, s. 5. (1), p. 550.]

(*b*) Words "and pressure," omitted, repealed by Gas Companies Acts Amendment Act, 1880, s. 21, p. 340. For substituted provision as to testing of pressure, see s. 6 of that Act, p. 337.

of works by the Company consequent on any such certificate.

Mode and times of testing purity of gas.

32. The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the purity of gas supplied by the Company, and the number of the times of testing such purity.

Mode of measuring gas for public lamps.

33. The gas supplied by the Companay for public lighting shall, if required by either the local authority consuming the gas or by the Company, be supplied by measurement, and the referees shall, if required by either party, from time to time prescribe and certify the mode of ascertaining the quantity of gas consumed by the public lamps.

Freedom of gas from sulphuretted hydrogen.

34. Gas supplied by the Company shall be wholly free from sulphuretted hydrogen, and nothing in this Act shall authorise the gas referees to allow of gas being charged with any amount of impurity in that form.

Provision of testing places and apparatus.

35. The gas referees shall from time to time prescribe and certify the situation and number of the testing places, and the apparatus and materials therein, for testing the illuminating power, purity, * * * (*a*) of the gas to be provided by the Company, and the Company shall provide and maintain such testing places, apparatus, and materials accordingly.

Control, &c. of testing places.

36. The prescribed testing places, materials, and apparatus provided by the Company shall be under the control and management of the Metropolitan Board. (*b*)

Separate testing place for Company.

37. The Company may also have a separate testing place in the same building under their own control and management.

Description of burner for testing illuminating power. (*c*)

38. The burner (*c*) for testing the gas supplied by the Company shall be a Sugg's London argand, such as immediately before the passing of this Act was the burner prescribed and used by the gas referees under "The City of London Gas Act, 1868," for testing gas, three or more models of which burner shall be certified as such by the President of the Board of Trade, whereof one shall be deposited with the Warden of the Standards (*d*), and one with the Metropolitan Board (*b*), and one shall be delivered to the Company.

(*a*) Words "and pressure," omitted, repealed by Gas Companies Acts Amendment Act, 1880, s. 21, p. 340. For substituted provision as to testing of pressure, see s. 6 of that Act, p. 337.

(*b*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

(*c*) As to burner, see also same Company's Act, 1900, ss. 6, 7, pp. 551, 552.

(*d*) Now Board of Trade. See Weights and Measures Act, 1878, s. 33, p. 315.

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Appointment of gas examiner.

39. The Metropolitan Board (*a*) shall, as soon as may be after the passing of this Act, appoint and shall always keep appointed a competent and impartial person or persons to be a gas examiner or gas examiners for the several testing places within their jurisdiction.

Appointment of chief gas examiner.

40. There shall be a chief gas examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

[**41-56.** Testing and Forfeitures. Repealed by Gas Companies Acts Amendment Act, 1880, s. 21, p. 340. For substituted provisions, see ss. 4-20 of that Act, pp. 336-340.]

Auditor of accounts.

57. There shall be an auditor of the accounts of the Company, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade, which auditor is in this Act referred to as the auditor.

Ascertainment of capital of Company.

58. The auditor shall with all practicable speed, after the commencement of this Act, investigate the accounts of the Company, and ascertain and certify the amount of its capital, distinguishing share from loan capital, and shall from time to time as new capital shall be expended in like manner ascertain and certify such new capital.

Form of accounts.

59. The auditor shall from time to time prescribe the form of accounts to be kept by the Company.

Periodical audit.

60. The auditor shall during every half year, as and when he thinks fit, inspect the accounts of the Company and audit the same, and if he finds the same correct he shall certify the same, but if he finds the accounts incorrect in principle or in detail he shall require the Company to correct the same in such manner as he thinks right; and he may, if he thinks fit, grant a conditional certificate, so as to authorise the payment of a dividend subject to correction if need be, and except in the case of a conditional certificate a dividend shall not in any case be declared until the accounts are certified by the auditor. The accounts as and when certified shall be forthwith laid before both Houses of Parliament, if Parliament be then sitting, and if Parliament be not then sitting, within seven days after the commencement of the then next session of Parliament.

Facilities for auditor, &c.

61. The Company shall give the auditor, his clerks and assistants, access to the books and documents of the Company, and shall, when required, furnish to him or them all vouchers and information requisite for the pur-

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

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poses of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty.

Arbitration between parties.

62. If the Metropolitan Board (*a*) or the Company think themselves aggrieved by any act, determination, or omission of the auditor, the matter in difference shall be referred to the determination of an arbitrator to be agreed on between them and the auditor, or in default of agreement to be appointed on the application of any of the parties by the Lord Chief Justice of the Common Pleas, and the reference shall be subject and according to the provisions of "The Common Law Procedure Act, 1854," and the costs of the arbitration shall be at the discretion of the arbitrator, whose decision shall with respect to all such matters be final and conclusive, and, subject to this provision, the directions and determinations of the auditor shall be final and conclusive.

Penalties not to be cumulative.

63. Penalties imposed on the Company for one and the same offence by this Act and by the several Acts of Parliament relating to the Company are not cumulative.

Providing for amalgamation of the Company. 31 & 32 Vict. c. cxxv. ss. 18 to 24.

64. The Company may at any time after the passing of this Act amalgamate its undertaking with that of any other gas company supplying gas in the metropolis on the south side of the Thames, except the Crystal Palace District Gas Company (*b*): Provided that the conditions and restrictions contained in "The City of London Gas Act, 1868," under the head of "amalgamation," shall apply to such amalgamation, and the said sections shall be deemed to be incorporated with this Act, and the term "the Companies" in the 18th section of the said Act shall be deemed to apply to the Company and to any other company or companies, except as aforesaid, with whom such amalgamation is sought: Provided that the said section 18 shall be read as though there were no limitation of time therein.

* * *

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

(*b*) As to this exception, s. 30 of the Crystal Palace District Gas Act, 1893, 56-7 Vict. c. 168, provides as follows:—

"Notwithstanding the exception contained in the sixty-fourth "section of the South Metropolitan Gas Light and Coke Com- "pany's Act 1876 the Company and the South Metropolitan "Gas Light and Coke Company may subject to the provisions "and restrictions in that section contained amalgamate their "undertakings and that exception is hereby repealed."

"In the event of any scheme of amalgamation under that "section being submitted to the Board of Trade notice shall "be given by that board to every local authority within the "limits of supply and that board shall receive and consider "any objections and representations made by any such local "authority."

SCHEME

For the amalgamation of the South Metropolitan Gas Light and Coke Company with the Surrey Consumers' Gas Company, under the powers and provisions of the South Metropolitan Gas Light and Coke Company's Act, 1876, and the Acts incorporated therewith. Confirmed by Order in Council, 28th October, 1879.

* * *

Amalgamated Company to be called South Metropolitan Gas Company.

2. The * * * undertakings of the two Companies shall be united and form one undertaking, under the name and title of the South Metropolitan Gas Company, and by that name shall be one body corporate, with perpetual succession and a common seal.

* * *

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44 & 45 Vict., Cap. 172.

SOUTH METROPOLITAN GAS ACT, 1881.

* * *

Incorporation of general Acts.

2. The * * * and the Gasworks Clauses Act 1847 except where expressly varied by this Act are incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall apply to the existing undertaking of the Company as if the same were hereby authorised.

* * *

Sale of gas in bulk.

24. The Company may supply gas in bulk for resale and distribution to any gas company authorised to supply gas in any adjoining parish or district beyond the limits prescribed by the Company's special Acts.

45 Vict., Cap. 38.

SOUTH METROPOLITAN GAS ACT, 1882.

* * *

Incorporation of Acts.

2. The * * * and the Gasworks Clauses Act 1847 except where expressly varied by this Act are incorporated with and form part of this Act and the Gasworks Clauses Act 1871 shall continue to apply to the existing undertaking of the Company as modified or enlarged by this Act.

* * *

Conditions as to issue of debenture stock.

7. It shall not be lawful for the Company to create and issue debenture stock except subject to and in accordance with the following provisions, that is to say:—

(1.) The Company shall offer the same for sale by public auction or by tender within the metropolis in such manner at such time and subject to such conditions of sale as the Company shall from time to time determine. Provided that notice of the amount of the reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner.

(2.) The intention to sell any such debenture stock by auction or by tender shall be communicated in writing to the clerk to the Metropolitan Board of Works (*a*) and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised four times during the same period in two or more London daily newspapers.

(3.) Any sum of money which shall arise from the issue of any such debenture stock by way of premium after deducting therefrom the ex-

(*a*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

45 Vict., Cap. 38.

penses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company and shall not be considered as entitled to dividend or interest.

* * *

[**9.** Money raised by debenture stock not to be converted into capital.]

59 & 60 Vict., Cap. 226.

SOUTH METROPOLITAN GAS ACT, 1896.

* * *

Interpretation.

2. In this Act unless the context otherwise requires—

* * *

"Gas consumers" means consumers of gas supplied by the Company within their limits for the supply of gas;

"Employees of the Company" and "employees" respectively mean persons in the employ and holding stock in the capital of the Company;

* * *

Unissued stock to be sold in accordance with the provisions of this Act.

5.—(1) Sections 13 to 16 of the Act of 1876 are hereby repealed and the unissued stock shall be sold in accordance with the provisions of this Act.

(2) All the said stock shall be issued in multiples of five pounds.

* * *

Dividends upon converted capital.

8. Except as by this Act provided the Company shall not in any one year pay out of their profits any larger dividend upon the said converted capital or upon the unissued capital than four pounds in respect of every one hundred pounds for the time being actually paid up which dividend is in this Act referred to as the standard dividend.

Sale of unissued stock. (*a*)

9. (*a*) Notwithstanding anything in this Act contained when any unissued ordinary stock is to be issued and whether the ordinary stock be at a premium or not

(*a*) For provision under South Metropolitan Gas Act, 1901, see s. 6 of that Act, p. 554.

the Company before offering the same to the holders of any other stock of the Company shall offer the same for sale by public auction or by tender in such manner and at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that no single lot shall at any such offer or sale comprise more than one hundred pounds nominal value of such ordinary stock and that the reserved price put upon such stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of stock in the Company. 59 & 60 Vict., Cap. 226.

10. (*a*) When any unissued ordinary stock has been offered for sale by auction or tender and not sold the same may be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 or to the gas consumers and employees of the Company Provided always that any ordinary stock so offered and not accepted within a reasonable time may at any time within six months thereafter be again so offered for sale but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender And any ordinary stock not then sold may be again offered to the holders of ordinary stock or the gas consumers and employees of the Company at the last-mentioned reserved price and so from time to time until the whole of such stock is sold. Stock not sold may be offered to share-holders consumers and employees. (*a*)

11. (*b*) It shall be one of the conditions of any sale of stock under this Act that the whole nominal amount thereof together with any premium given by any purchaser at such sale shall be paid to the Company within one month after the day of such sale. Purchase money to be paid within one month after sale. (*b*)

12. (*b*) The intention to sell any such stock shall be communicated in writing to the clerk of the London County Council and to the secretary of the committee of Notice to be given as to sale of stock. (*b*)

(*a*) For provision under South Metropolitan Gas Act, 1901, see s. 7 of that Act, pp. 554, 555.

(*b*) For incorporation of ss. 11-13 with the South Metropolitan Gas Act, 1901, see s. 11 thereof, p. 555. As to notice, see also s. 8 of that Act, same page.

59 & 60 Vict., Cap. 226.

the London Stock Exchange at least twenty-eight days before the day of sale or the day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in two or more daily newspapers published in London and circulating within the said district.

Application of premiums on sales of stock. (*a*)

13. (*a*) Any sum of money which shall arise from the sale of any such ordinary stock by way of premium after deducting therefrom the expenses of and incidental to such sale shall not be considered as profits of the Company nor be entitled to dividend but shall be expended in place of capital in extending or improving the works of the Company.

Amount of Insurance Fund not to be altered,

14. * * * Nothing in this Act shall be deemed to authorise the Company * * * to alter the amount of the insurance fund they are at the passing of this Act authorised to form.

* * *

[**16.** Standard price under sliding scale. Repealed by same Company's Act, 1900, s. 5. (3.), p. 551. For substituted provision see that Act, s. 5. (1) (2), pp. 550, 551.]

* * *

Scheme may be made for representation of employees in the management of the Company.

19.—(1) At any time after the total investments of the employees of the Company in the ordinary stock of the Company dating from the distribution of the first profit-sharing bonus in July one thousand eight hundred and ninety shall exceed the nominal amount of forty thousand pounds of such stock the directors of the Company may as and when they deem expedient prepare a scheme for the purpose of enabling employees holding ordinary stock of the Company to elect one or more of their number but not exceeding three to be a director or directors of the Company.

(2) The scheme shall be submitted to a special general meeting of the Company duly called with notice of the business to be considered thereat and the meeting may adopt the scheme either without alteration or with such alterations (not being inconsistent with the provisions of this Act) as the directors may assent to.

(3) The scheme so adopted shall be submitted for the approval of the Board of Trade and that Board may consider the same and may either approve the same without alteration or may suggest any alterations therein

(*a*) For incorporation of ss. 11-13 with the South Metropolitan Gas Act, 1901, see s. 11 thereof, p, 555. As to notice, see also s. 8 of that Act, same page.

or may disapprove the same and if the directors assent to the alterations (if any) so suggested the Board of Trade may approve the scheme as altered. 59 & 60 Vict., Cap. 226.

(4) The scheme when approved shall be published in the London Gazette and (subject as herein-after provided) shall for the period of three years and no longer from the date of such publication have effect Provided that if at any time during that period the amount of the investment of the employees in the stock of the Company should fall below the nominal amount of forty thousand pounds the scheme shall cease to be in force.

(5) On the cesser of such scheme and subject to the provisions of this Act and to the like submission adoption and approval a new scheme may at any time be adopted for any period that may be in that scheme prescribed and so from time to time.

(6) The qualification of an employees' director shall be fixed by the scheme for the time being subject to the following limitations The employees' director shall have been not less than seven years in the constant employ of the Company and shall have held for not less than twelve months prior to the date of election and shall continue to hold not less than two hundred and fifty pounds nominal value of the ordinary stock of the Company.

(7) The fees to be paid to an employees' director for his attendance at the board shall be fixed by the scheme The fees shall bear some proportion (to be fixed by the scheme) to the amount of the qualification not being less than his ordinary day's pay nor more than four times that amount.

(8) The scale and method of voting for and the mode of election of employees' directors shall be settled by the scheme and may be varied by successive schemes from time to time.

63 & 64 Vict., Cap. 162.

SOUTH METROPOLITAN GAS ACT, 1900.

* * *

Varying standard price.

5.—(1) On and after the first day of July one thousand nine hundred and one the prescribed illuminating power of the gas supplied by the Company shall be fifteen candles and the standard price of such gas shall be three shillings and two pence And on and after the first day of July one thousand nine hundred and five the prescribed illuminating power of the gas supplied by the Company shall be fourteen candles and the standard price of such gas shall be three shillings and one penny Provided nevertheless that if the Company shall desire to accelerate the reduction of the illuminating power of the said gas hereby authorised from fifteen candles to fourteen candles they shall be at liberty to do so from any first day of January or first day of July giving three months' previous notice in writing of their intention to the London County Council and to the town clerks of the several metropolitan borough councils in the district of supply of the Company and by advertisement in one London daily newspaper and in one newspaper circulating in the said district and in that case the reduction of such illuminating power and standard price shall take place on and from the first day of January or the first day of July named in such notice.

(2) With respect to the decrease and increase of the dividend payable by the Company according to increase or decrease in the price of gas supplied by the Company the following provision shall have effect in lieu of the provision in that behalf contained in section 16 of the Act of 1896 (that is to say):—

The price charged by the Company for gas of any illuminating power in this section mentioned may be increased above or reduced below the standard price chargeable for gas of the same illuminating power subject to a reduction or increase in the standard dividend payable by the Company on the ordinary stock as follows:—

In respect of any half-year during any part of which the price charged by the Company shall have been one penny or part of a penny above such standard

price the dividend payable by the Company for that half-year shall in respect of each penny or part of a penny by which such standard price shall have been increased be reduced below the standard rate of dividend by one shilling and four pence on every hundred pounds of paid-up ordinary stock and so in proportion for any fraction of one hundred pounds;

And in respect of any half-year during the whole of which the price charged by the Company shall have been one penny or more below such standard price the dividend payable by the Company for that half-year may in respect of each penny by which the price shall have been so reduced below such standard price be increased above the standard rate by one shilling and four pence on every hundred pounds of paid-up ordinary stock and so in proportion for any fraction of one hundred pounds:

Provided that if in any half-year the dividend payable shall be a fractional amount less than one quarter per centum the Company may defer the payment of such fractional amount until the payment of the next or some succeeding dividend and shall in the discretion of the Company either add such fractional amount to and pay the same with such succeeding dividend accordingly or add the same to the reserve fund.

(3) Section 21 (Fixing maximum price of gas with sliding scale as to dividend) of the Act of 1876 and section 16 (Standard price under sliding scale) of the Act of 1896 shall be repealed as from the first day of July one thousand nine hundred and one.

Description of burner for testing illuminating power.

6. The burner for testing gas supplied by the Company shall be Sugg's London Argand as prescribed by section 38 of the South Metropolitan Gas Light and Coke Company's Act 1876 and in making such testings shall be so used that the gas shall be burnt at such a rate as shall give a light equal to sixteen candles:

Provided that when under the provisions of this Act the prescribed illuminating power shall be fourteen candles the said burner shall be used with the chimney prescribed by the gas referees for gas of an illuminating power of fourteen candles.

Company to supply suitable burners gratis in lieu of those in use.

7. The Company shall at any time within two years after the first day of July one thousand nine hundred and one if and when required by the consumers of the gas sup-

63 & 64 Vict., Cap. 162.

plied by the Company other than consumers by slot meters supply to them and fix free of charge a sufficient number of burners suitable in all respects for the consumption of gas of the illuminating power prescribed by this Act The Company shall also as soon as reasonably practicable after the said first day of July one thousand nine hundred and one and at the latest within the period of twelve months thereafter exchange the burners used by consumers of gas supplied by the Company by means of slot meters for burners similarly suitable for the consumption of gas of the illuminating power prescribed by this Act.

Notice of the provisions of this section shall be given on each demand note of the Company sent out during the said period.

* * *

Form of accounts of Company.

27. The accounts of the Company shall show the amount of the capital of the Company including both ordinary and debenture stock and the premiums thereon from time to time in cash actually raised and expended and the nominal amount of ordinary capital and debenture stock for the time being on which dividend and interest respectively are payable by the Company. The difference between the total amount of money actually raised and the total nominal amount of share and loan capital shall represent the nominal amount added by conversion in accordance with the form set forth in the schedule to this Act.

The SCHEDULE referred to in the foregoing Act.

No. 1. STATEMENT OF CAPITAL (STOCK) ON THE

Acts of Parliament authorising raising of Capital.	Standard Rate of Dividend.	Total Amount issued on which Dividend is payable.	Amount Not paid up.	Total Amount authorised.
The whole ordinary £10 per centum capital raised under the Company's Acts of 1842 1869 1876 1881 1882 and of the amalgamated companies as set out in the schemes of 1879 1880 and 1884 was converted by the Act of 1896 into an equivalent nominal amount of stock at the standard rate of 4 per cent.				

No. 2. STATEMENT OF LOAN CAPITAL ON THE

Acts of Parliament authorising Loan Capital.	Rate per cent. of Interest.	Total Amount issued on which Interest is payable.	Remaining to be issued.	Total Amount authorised.
The entire £5 per centum loan capital raised under the Company's Acts of 1869 1876 1881 1882 and of the amalgamated companies as set out in the schemes of 1879 1880 and 1884 was by the Act of 1896 converted into an equivalent nominal amount of 3 per cent. debenture stock				

No. 3. CAPITAL ACCOUNT SHOWING THE ACTUAL AMOUNT OF MONEY RAISED AND EXPENDED.

			Description.	Certified to	Received since that Date.	Total.
Capital Account to			Ordinary stock			
Expenditure during half-year to viz.:—			Ditto premium ..			
New buildings and machinery in extension of works			Debenture stock ..			
New and additional mains and services			Ditto premium ..			
New and additional meters ..			Total			
New and additional stoves ..						
Total expenditure			Nominal amount added by conversion :—			
Balance			Ordinary			
Nominal amount added by Conversion less premium			Debenture			
			Total			
			Less premium ..			
Total .. .. .. £			Total .. .. £			

1 Edw. 7, Cap. 189.

SOUTH METROPOLITAN GAS ACT, 1901.

* * *

Sale of unissued stock.

6.—(1) Notwithstanding anything in this Act when any unissued ordinary stock is to be issued and whether the same be at a premium or not the Company before offering the same to the holders of any other stock of the Company or for sale by public auction or tender may (with the approval of the Board of Trade to be signified in writing under the hand of an assistant secretary of that Board) offer to all the gas consumers and persons in the employ of the Company the stock so to be issued at as near as may be the average market price of such stock in the month immediately preceding such offer (provided that in no case shall the price at which such stock shall be offered be lower than five per centum below such market price) and if and so far as the stock so issued is not taken by such persons the Company before offering the same to the holders of any other stock in the Company shall offer the same at the same reserve price for sale by public auction or by tender in such manner and at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that no single lot shall at any such offer or sale comprise more than one hundred pounds nominal value of such ordinary stock and that the reserved price put upon such stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner and provided that no priority of tender shall be allowed to any holder of stock in the Company.

(2) To ascertain the average market price of the stock in the month immediately preceding an offer to consumers and employees the mean daily prices recorded in the official published list of the London Stock Exchange shall be taken for the last four completed weeks.

Stock not sold may be offered to shareholders.

7. When any unissued ordinary stock has been offered for sale by auction or tender and not sold the same may be offered at the reserved price put upon the same re-

spectively for the purpose of sale by auction or tender to the holders of ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any ordinary stock so offered and not accepted within a reasonable time may at any time within six months thereafter be again offered for sale by public auction or by tender in the manner prescribed by and subject to the provisions of this Act but at a lower reserved price than the price put upon the same at the preceding offer thereof for sale by auction or tender And any ordinary stock not then sold may be again offered to the holders of ordinary stock of the Company at the last-mentioned reserved price and so from time to time until the whole of such stock is sold. 1 Edw. 7, Cap. 189.

8. The intention to sell any such stock whether to the gas consumers or to persons employed by the Company or by auction or by tender shall be communicated in writing to the clerk of the London County Council and of every local authority having jurisdiction within the district of supply of the Company and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of sale or the day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in two or more daily newspapers published in London and circulating within the said district. Notice to be given as to sale of stock.

* * *

11. The following sections of the Act of 1896 (that is to say):— Incorporation of certain sections of Act of 1896.

Section 11 (Purchase money to be paid within one month after sale);
Section 12 (Notice to be given as to stock); (*a*)
Section 13 (Application of premiums on sales of stock);

shall extend and apply mutatis mutandis to and in relation to the capital to be raised under this Act.

12. Section 7 of the South Metropolitan Gas Act 1882 shall extend and apply to and in relation to the issue of debenture stock under this Act as if the London County Council were therein named in place of the Metropolitan Board of Works Incorporation of s. 7 of South Metropolitan Gas Act, 1882.

* * *

(*a*) See also s. 8 of this Act, above.

2 Edw. 7, Cap. 108.

SOUTH METROPOLITAN GAS ACT, 1902.

* * *

Amending section 5 of the Act of 1901.

20. The following sub-sections shall be added to and form part of section 5 (Power to Company to raise additional capital) of the Act of 1901 * * *

The following are the sub-sections hereinbefore referred to:—

* * *

(5) Any sum of money which shall arise from the sale of any such ordinary stock by way of premium after deducting therefrom the expenses of and incidental to such sale shall not be considered as profits of the Company nor be entitled to dividend but shall be expended in place of capital in extending or improving the works of the Company.

38 & 39 Vict., Cap. 200.

COMMERCIAL GAS ACT, 1875.

* * *

Modification of Gas Act of 1860.

3. The following parts of the Metropolis Gas Act, 1860, shall not apply to the Commercial Company (*a*); (that is to say,)

Section two, as far as it incorporates the provisions of the Gasworks Clauses Act, 1847, with respect to the amount of profit to be received by the undertakers from the gasworks carried on for their benefit, or imposes any restriction on the Company in respect of the rate of dividend;

So much of section four as defines the meaning of the words common gas and cannel gas;

Sections seven to twelve, both inclusive;

Sections twenty-five to thirty-four, both inclusive;

Sections thirty-seven and thirty-eight;

Sections forty to forty-four, both inclusive;

and such provisions of the Metropolis Gas Act, 1860, as apply to the Commercial Company shall be read and have effect as if the Board of Trade were named therein instead of one of Her Majesty's Principal Secretaries of State; and the Gasworks Clauses Act, 1871, shall not extend or apply to the Commercial Company.

* * *

Interpretation of terms.

6. In this Act,—

"Metropolitan Board" means the Metropolitan Board of Works: (*b*)

"Local authority" means a vestry or district board acting under "The Metropolis Management Act, 1855:" (*c*)

"Share" and "shareholder" include stock and stockholder:

"Half year" means a half year reckoned from the first day of January and the first day of July (each inclusive) in each year:

"Quarter" means a quarter of a year reckoned from

(*a*) "The Commercial Gas Company (in this Act called the Commercial Company.)" Preamble.

(*b*) Now London County Council. See Local Government Act, 1888, s. 40 (8.), p. 362.

(*c*) Now a Metropolitan Borough Council. See London Government Act, 1899, s. 4, p. 483.

38 & 39 Vict., Cap. 200.

the first day of January, first day of April, first day of July, and first day of October (each inclusive) in each year:

"Day" means (except in this section) twenty-four hours, reckoned from nine o'clock in the forenoon of one day to nine o'clock in the forenoon of the next following day, so much of each day as is before nine o'clock in the forenoon being reckoned as part of the immediately preceding day of the month or week:

"Candles" means sperm candles of six to the pound, burning one hundred and twenty grains an hour each.

* * *

Appointment of gas referees.

22. The Board of Trade shall, as soon as may be after the passing of this Act, appoint, in relation to the Commercial Company, three competent and impartial persons, one at least of them having practical knowledge and experience in the manufacture and supply of gas, who shall be called the gas referees (and who are in this Act referred to as the gas referees), and in case of a vacancy happening among them by death, resignation, or otherwise, shall appoint a competent and impartial person to fill the vacancy, one at least of the three being always qualified as aforesaid.

Continuance of referees.

23. Every person appointed to be one of the gas referees shall continue in office for one year only from the date of his appointment, but shall be capable of re-appointment.

Quorum, &c. of referees.

24. Two of the gas referees shall be a quorum, and at least two of the gas referees shall concur in every act or determination of the gas referees.

Certificates of referees.

25. A copy of each certificate of the gas referees required by this Act shall be sent by them to the Metropolitan Board (*a*) and to the Commercial Company.

Mode and times of testing illuminating power.

26. The gas referees shall, subject to the provisions of this Act, from time to time prescribe and certify the mode to be adopted for testing and recording the illuminating power * * * (*b*) of gas supplied by the Commercial Company, and the number of the times of testing.

(*a*) Now London County Council. See Local Government Act, 1888, s. 40 (8), p. 362.

(*b*) Words "and pressure" omitted repealed by Gas Companies Acts Amendment Act, 1880, s. 21, p. 340. For substituted provision as to testing of pressure, see s. 6 of that Act, p. 337.

38 & 39 Vict., Cap. 200.

Examination of gasworks by referees.

27. The gas referees shall, with all practicable speed after their appointment, and the gas referees for the time being may from time to time thereafter inspect the works of the Commercial Company, and investigate the processes of manufacture carried on therein, with the view of ascertaining the means adopted therein for purifying gas and for preventing nuisance, and may from time to time apply all such tests as they think expedient, at the works of the Commercial Company or elsewhere, for ascertaining the amount of sulphur and ammonia, and of compounds thereof, or other impurity with which gas supplied by them is charged.

Access to works.

28. The Commercial Company shall give to the gas referees and each of them, and to each of their clerks, servants, and workmen, access to the works of the Company, and shall when required afford to them and each of them all facilities for the proper execution of their and his duty.

Purity of gas to be prescribed.

29. The gas referees shall from time to time ascertain with what degree of purity the Commercial Company can reasonably be required to make and supply gas continuously without occasioning a nuisance to the neighbourhood in which the works are situate, and shall thereupon prescribe and certify the maximum amount of impurity in each form with which gas supplied by the Company should be allowed to be charged, and the time from which the allowance thereof should be enforced as against the Company, regard being had to the necessity for any alteration of works by the Company consequent on any such certificate.

Mode and times of testing purity.

30. The gas referees shall from time to time prescribe and certify the mode to be adopted for testing and recording the purity of gas supplied by the Commercial Company, and the number of the times of testing such purity.

Freedom from sulphuretted hydrogen.

31. Gas supplied by the Commercial Company shall be wholly free from sulphuretted hydrogen, and nothing in this Act shall authorise the gas referees to allow of gas being charged with any amount of impurity in that form.

Provision of testing places and apparatus.

32. The gas referees shall from time to time prescribe and certify the situation and number of the testing places, and the apparatus and materials to be used therein for

38 & 39 Vict., Cap. 200.

testing the illuminating power, purity, * * * (*a*) of the gas to be provided by the Commercial Company, * * * (*a*) and the Company shall provide and maintain such testing places and apparatus and materials accordingly.

Control, &c. of testing places.

33. The prescribed testing places, materials, and apparatus provided by the Commercial Company shall be under the control and management of the Metropolitan Board (*b*), but the Company may also have a separate testing place in the same building under their own control and management.

Description of burner for testing illuminating power.

34. The burner for testing the gas supplied by the Commercial Company shall be a Sugg's London argand, such as immediately before the passing of this Act was the burner prescribed and used by the gas referees under the City of London Gas Act, 1868, for testing gas, three or more models of which burner shall be certified as such by the President of the Board of Trade, whereof one shall be deposited with the Warden of the Standards (*c*), and one with the Metropolitan Board (*b*), and one shall be delivered to the Commercial Company.

Appointment of gas examiner.

35. The Metropolitan Board (*b*) shall, as soon as may be after the commencement of this Act, appoint, and shall always keep appointed, a competent and impartial person or persons to be a gas examiner or gas examiners for the several testing places.

Appointment of chief gas examiner.

36. There shall be a chief gas examiner, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade.

[**37-51.** Further Clauses as to Testing and as to Forfeitures. Repealed by Gas Companies Acts Amendment Act, 1880, s. 21, p. 340. For substituted provisions see ss. 4-20 of that Act, pp. 336-340.

Illuminating power.

52. The gas supplied by the Commercial Company shall, with respect to its illuminating power, be such as to produce, when consumed, at the rate of five cubic feet per hour in the burner by this Act prescribed (*d*) a light equal in intensity to the light produced by [sixteen (*e*)] candles.

(*a*) Words omitted repealed by Gas Companies Acts Amendment Act, 1880, s. 21, p. 340. For substituted provision as to testing of pressure, see s. 6 of that Act, p. 337.

(*b*) Now London County Council. See Local Government Act, 1888, s. 40. (8.), p. 362.

(*c*) Now Board of Trade. See Weights and Measures Act, 1878, s. 33, p. 315.

(*d*) See s. 34, above.

(*e*) For variation of illuminating power on and after 1st January, 1903, see same Company's Act, 1902, s. 12. (1), p. 571

38 & 39 Vict., Cap. 200.

Fixing maximum price of gas, with sliding scale as to dividend. (*a*)

[**53**. (*a*) The standard price to be charged by the Commercial Company for gas supplied by them shall be three shillings and nine pence per one thousand cubic feet, provided that the Company may increase or diminish such standard price, subject to a decrease or increase in the standard rates of dividend as defined by this Act, to be calculated as follows:

For every penny or part of a penny charged in excess or in diminution of such standard price in any year, the standard rates of dividend shall for such year be reduced or increased by five shillings in the hundred pounds per annum. (*a*)]

Auditor of accounts.

54. There shall be an auditor of the accounts of the Commercial Company, being a competent and impartial person, from time to time appointed by and removable by the Board of Trade (which auditor is in this Act referred to as the auditor).

Ascertainment of capital of Company.

55. The auditor shall, with all practicable speed after the commencement of this Act, investigate the accounts of the Commercial Company, and ascertain and certify the amount of their capital, distinguishing share from loan capital, and shall from time to time, as new capital shall be expended, in like manner ascertain and certify such new capital.

Form of accounts.

56. The auditor shall from time to time prescribe an uniform form of accounts to be kept by the Commercial Company.

Periodical audit.

57. The auditor shall during every half year, as and when he thinks fit, inspect the accounts of the Company and audit the same, and if he finds the same correct he shall certify the same; but if he finds the accounts incorrect in principle or in detail, he shall require the Commercial Company to correct the same in such manner as he thinks right, and he may, if he thinks fit, grant a conditional certificate so as to authorise the payment of a dividend subject to correction, if need be, and except in the case of a conditional certificate a dividend shall not in any case be declared until the accounts are certified by the auditor. The accounts as and when certified shall be forthwith laid before both Houses of Parliament, if Parliament be then sitting, and if Parliament be not then sitting, within seven days after the commencement of the then next session of Parliament.

(*a*) s. 53 repealed as from 1st January, 1903, by same Company's Act, 1902, s. 12. (3), p. 572. For substituted provision see that Act, s. 12. (1) (2), pp. 571, 572.

38 & 39 Vict., Cap. 200.

Facilities for auditor.

58. The Commercial Company shall give to the auditor, his clerks and assistants, access to the books and documents of the Company, and shall when required furnish to him or them all vouchers, and information requisite for the purposes of the audit, and shall afford to him and them all facilities for the proper execution of his and their duty.

Power for Metropolitan Board (*a*) to appear before auditor.

59. A copy of the accounts before the auditor shall certify the same shall be forwarded to the Metropolitan Board (*a*), and the Metropolitan Board (*a*) may, in case they shall so desire, appear before the auditor, and before certifying the accounts the auditor shall, if required, hear the Metropolitan Board (*a*) and the Company with respect to any matter relating to such audit or accounts.

Arbitration between auditor and Company.

60. If the Metropolitan Board (*a*) or the Commercial Company think themselves aggrieved by any act, determination, or omission of the auditor, the matter in difference shall be referred to the determination of an arbitrator to be agreed on between them and the auditor, or in default of agreement, to be appointed on the application of either party by the Lord Chief Justice of the Court of Common Pleas, and the reference shall be subject and according to the provisions of the Common Law Procedure Act, 1854, and the costs of the arbitration shall be in the discretion of the arbitrator, whose decision shall, with respect to all such matters, be final and conclusive, and subject to this provision the directions and determination of the auditor shall be final and conclusive.

Remuneration and expenses of gas referees, &c.

61. The remuneration of the gas referees, and of the chief gas examiner and of the auditor shall be such as the Board of Trade from time to time direct, and a proportionate part of the same, and of all expenses properly incurred by them in or about the execution of their duties, to be fixed from time to time by the Board of Trade, having regard to the paid-up capital of the Commercial Company, shall be paid by them on demand to such fund or account, and in such manner as the Board of Trade from time to time direct, and shall be a debt due from the Commercial Company to the Crown, and shall be recoverable accordingly with costs.

Profits of Company limited.

62. The profits of the Commercial Company to be divided among the shareholders in any year shall not, except as in this Act is otherwise provided, exceed the

(*a*) Now London County Council. See Local Government Act, 1888, s. 40 (8.), p. 362.

rate of ten pounds per centum per annum upon the capital paid up on the passing of this Act (*a*), and the rate of seven pounds per centum per annum on shares or stock of the additional capital by this Act authorised to be raised (*b*) (which rates are respectively in this Act referred to as the standard rates of dividend). 38 & 39 Vict., Cap. 200.

If profits exceed the amount limited excess to be invested and form an insurance fund.

63. If the clear profits of the undertaking of the Commercial Company in any year amount to a larger sum than is sufficient to make up the rates of dividend by this Act authorised, the excess beyond the sum necessary for such purpose shall from time to time, to the extent of one pound per centum per annum upon the paid-up capital of the Company, be invested in government or other securities, and the dividends and interest arising from such securities shall also be invested in the same or like securities, in order that the same may accumulate at compound interest until the fund so formed amounts to a sum equal to one twentieth of the paid-up capital of the Company, which sum shall form an insurance fund to meet any extraordinary claim or demand which may at any time arise against the Company from accident which in the opinion of the auditor due prudence and management could not have prevented; and if such fund be at any time reduced it may thereafter be again made up to the said sum, and so from time to time, as often as such reduction shall happen; provided that when and so often as the said fund shall reach one-twentieth part of the paid-up capital the interest thereon shall be carried to the credit of the fund available for dividend: Provided also, that resort may from time to time be had to the insurance fund to meet any extraordinary claim or demand as aforesaid, although such fund may not at the time have reached or may have been reduced below the full amount of one twentieth as aforesaid.

Application of excess of profits over prescribed rate of dividend.

64. If the clear profits of the undertaking of the Commercial Company in any year amount to a larger sum than is sufficient to make up the rates of dividend by this Act respectively authorised, and to form or make up the insurance fund by this Act authorised, the excess shall, subject to the provisions of this Act respecting the reserve fund, be carried to the credit of the divisible profits of such undertaking for the next following year.

(*a*) Converted by same Company's Act, 1902, into 4 per cent. capital stock. For dividend thereon, as from 1st January, 1903, see such Act, s. 5. (2), p. 570.

(*b*) Converted by same Company's Act, 1902, into 3½ per cent capital stock. For dividend thereon, as from 1st January, 1903 see such Act, s. 5. (6), p. 571.

38 & 39 Vict., Cap. 200.

Power to create a reserve fund out of dividends in excess of the prescribed rate of dividend.

65. Where in any year the amount of the prescribed rates of dividend of the Commercial Company shall by reason of a diminution of the standard price charged by the Company in such year be increased, then out of the amount of the divisible profits of the Company applicable to the payment of such increase the Company may in such year set apart such sum as they shall think fit.

Application of reserve fund.

66. All sums (if any) so set apart by the Commercial Company and the reserve fund existing at the time of the commencement of this Act may be invested in government or other securities, and the dividends and interest arising from such securities may also be invested in the same or the like securities in order that the same may accumulate at compound interest, and the fund so formed shall be called "the reserve fund," and shall be applicable to the payment of dividend in any year in which the clear profits of the Company shall be insufficient to enable the Company in such year to pay the rates of dividend respectively authorised by this Act, and save as in this Act otherwise provided no sum shall in any year be carried by the Company to any reserve fund.

[**67.** As to conversion of borrowed money into capital.]

Governors for street lamps.

68. The Commercial Company supplying gas to public lamps, or the local authority, may at their own expense cause to be affixed to each lamp the instrument known as a street lamp governor, and the Commercial Company or the local authority, as the case requires, shall be entitled to have access thereto for the purpose of examining the same; and in case any dispute arises between the Company and the local authority with reference to the affixing, operation, or inspection of governors, the same shall be referred to the determination of the chief gas examiner, whose decision shall be final and conclusive.

Limit of charge for gas supplied to public lamps.

69. The Commercial Company shall not charge a higher price per one thousand cubic feet for gas supplied to a local authority than the lowest price per one thousand cubic feet charged by them at the same time to any private customer, but if the Commercial Company contend as against the local authority that there are special circumstances justifying them in charging a lower price to any other customer, the question whether or not such lower price shall be taken as the standard for the price to be charged to the local authority shall be determined by arbitration, and the price fixed by such arbitration shall continue for two years at least.

Arbitration under this section shall be conducted in the manner prescribed by the Lands Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration. 38 & 39 Vict., Cap. 200.

70. The Commercial Company shall, within six months after the commencement of this Act, provide a map of the district within which their mains or pipes may be laid to a scale of not less than five feet to a mile, and shall show thereupon the lines and sizes and depth beneath the surface of all their existing mains or pipes, except service pipes to separate houses, and the positions of all valves, syphons, and other appliances, and shall once in every year on or before the thirty-first day of December correct such map and make such alterations in or additions thereto as may be necessary to show correctly as near as may be the lines, position, sizes, and depths of the various pipes, and also their appliances, and shall keep such map in the principal office of the Company, and the same shall be open to the inspection of the local authorities and their officers and to the public generally during usual office hours, who may inspect or take copies of or extracts from the same, and the Company may charge and take the sum of one shilling for each inspection of such map, and the further sum of two shillings and sixpence for each extract, tracing, or copy taken of such map; and if the Company wilfully fail to comply with any of the requirements of this Act in respect of such map, they shall for every such offence forfeit and pay any sum which two justices of the peace may adjudge not exceeding the sum of fifty pounds. Company to make a map.

71. All gas supplied by the Commercial Company to a private consumer shall (except in case of accident or repairs) be supplied at such pressure as to balance from midnight to sunset a column of water not less than six tenths of an inch in height, and to balance from sunset to midnight a column of water not less than one inch in height at the main, as near as may be to the junction therewith of the service pipe supplying the customer's house, building, or lands. Pressure of gas.

72. If a person requiring a supply of gas from the Commercial Company has previously quitted premises at which gas was supplied to him by them, without paying to them all gas and meter rent due from him in respect thereof, they may refuse to furnish to him a supply of gas until he pays the same. Power to refuse supply to person in debt for other property.

38 & 39 Vict., Cap. 200.

Deposit in case of dispute.

73. Where a dispute arises between the Commercial Company and one of their customers respecting any payment to be made to them, if the customer deposits with them by way of security the amount claimed by them, it shall not be lawful for them to discontinue a supply of gas to the customer by reason of the dispute; but nothing herein shall authorise them, where such deposit is not made, to discontinue a supply of gas to him in any case in which they would not have been authorised to do so if this Act had not been passed.

Contract to be signed before gas consumed.

74. Every person being or desiring to become a customer of the Commercial Company shall, if required by them, sign a contract with them in the form given in the schedule to this Act, or to the like effect, with such variations and additions as circumstances require, and if any person refuses to do so, the Company may refuse to give or may discontinue the supply of gas to him, and may remove any meter belonging to them in his possession.

Fixing minimum rent for gas.

75. Notwithstanding anything contained in the Metropolis Gas Act, 1860, the Commercial Company shall not be compelled to lay on gas for any stable or other outbuilding where the Company do not supply gas to the house to which such stable or outbuilding belongs, unless the person requiring such gas shall agree that the consumption of gas in such stable or outbuilding be at the rate of at least ten shillings per annum, or unless such person shall pay the expense of service pipe and meter.

Gas rents payable by occupiers who are servants may be recovered from their employers.

76. Where, in any proceeding for the recovery of any gas rent due to the Commercial Company from the occupier of any premises, it is proved to the satisfaction of the justices or court having cognizance of the case that such occupier occupied the said premises as the agent or servant of some other person, such last-mentioned person shall be liable to pay such gas rent to the Company, in the same manner and to the same extent as such occupier.

Incoming tenants to give security if required.

77. Sections fifteen and sixteen of the Metropolis Gas Act, 1860, which require security to be given, shall apply to the supply of gas or of meters to any person who shall succeed a tenant in the occupation of a house or premises where at the time of such person's entering into possession gas was consumed, and who shall desire to continue to use the gas of the Commercial Company, as though the Company had not theretofore supplied the said house and premises, and the Company in default

of such person's compliance may discontinue the supply of gas to such person and remove the meter. 38 & 39 Vict., Cap. 200.

Notice to Company of connecting or disconnecting meters.

78. Before any person connects or disconnects, or allows any other person to connect or disconnect, any meter by which any of the Commercial Company's gas is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the Company of his intention so to do, and if any person fail to give such notice he shall for every such offence forfeit not exceeding five pounds.

Repair of meters.

79. Every consumer of gas of the Commercial Company shall at all times, and at his own expense, keep every meter belonging to him whereby any gas of the Company is registered in proper order and proper and sufficient in all respects for correctly registering the gas supplied to him, and in default thereof the Company may cease to supply gas through such meter; and the Company shall at all reasonable times have access to, and be at liberty to take off, remove, test, inspect, replace, and if necessary repair, any meter belonging to a consumer, and if the meter be found in proper order and proper and sufficient in all respects, the taking off, removing, testing, inspecting, and replacing shall be done at the expense of the Company, but otherwise at the expense of the consumer, together with the cost of repair, and if any consumer refuses or prevents the access to and the removal of such meter for the purpose aforesaid, it shall be lawful for the Company to cut off the supply of gas without further notice.

Power to remove meters and fittings.

80. The Commercial Company, after twenty-four hours notice in writing under the hand of the secretary or some other officer of the Company to the occupier, or if unoccupied, then to the owner or lessee of any land, house, or building in which any pipe, meter, or fitting belonging to the Company is laid or fixed, and through or in which the supply of gas is from any cause other than the fault of the Company discontinued, may enter the premises within the hours of nine in the morning and four in the afternoon, for the purpose of removing and may remove the pipes, meters, or fittings, repairing all damages caused by the entry or removal, and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or if the person or his address be not known to the Company after due inquiry, then by being affixed on some conspicuous part of the said premises.

38 & 39 Vict., Cap. 200.

Power to Company to let meters.

81. The Company may make meters, and may let for hire any meter for ascertaining the quantity of gas consumed or supplied, and any fittings thereto, for such meter rent in accordance with this Act, and on such terms with respect to the repair of the meter and fitting and for securing the safety and return to the Company of the meter, as are agreed upon between the hirer and the Company, and the meter rent shall be recoverable in the same manner as the gas rents, and the meters and fittings shall not be subject to distress or to the landlord's claim for rent of the premises where the same are used, nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against any person in whose possession the same are.

Fraudulently injuring meters.

82. Every person who wilfully, fraudulently, or by culpable negligence injures or suffers to be injured any meter or fitting of the Commercial Company, or fraudulently alters or suffers to be altered the index to any meter, or prevents any meter from duly registering the quantity of gas supplied, shall, without prejudice to any other right or remedy for the protection of the Company or the punishment of the offender, for every such offence forfeit and pay to the Company not exceeding five pounds, and the Company may in addition thereto recover the amount of any damages by them sustained; and notwithstanding any contract with respect to the supply of gas to the person so offending, the Company may also discontinue the supply of gas to the person so offending, and the existence of artificial means for the alteration or prevention of the due registration of any meter shall, when the meter is in the custody or control of the consumer, be primâ facie evidence that the same has been fraudulently, knowingly, and wilfully caused by the consumer using the meter.

For preventing frauds and waste of gas.

83. If any person supplied with gas by the Commercial Company wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act or other Acts of the Company, or wilfully fails to do anything which under this Act or other Acts of the Company ought to be done for the prevention of the waste, misuse, or undue consumption of the Company's gas, the Company may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of damage or injury remains or is not remedied, and also may recover in any court of competent jurisdiction from every person so offending the amount of all loss, damage, or injury

which the Company sustain by reason of any such thing or failure; and the remedies of the Company under this section shall be in addition to their other remedies in that behalf. 38 & 39 Vict., Cap. 200.

84. The gas for public lighting shall if required by either party be supplied by measurement, and the referees shall if required by either party from time to time prescribe and certify the mode of ascertaining the quantity of gas consumed by the public lamps. Mode of measuring gas for public lamps.

85. In case any person who has been supplied with gas by the Commercial Company, or who is liable under this Act to any payment in respect of a supply of gas, or the use or repair of any meter, fails for fourteen days after demand thereof by the Company, their agent or collector, to pay the amount due in respect of the supply or of the meter, any justice, on application by the Company, shall issue his summons to the person, requiring him to appear at a time and place named therein, and then and there to show cause why the sum so demanded should not be paid; and if on the appearance of the person, or in default of appearance after proof of the service of the summons, either personally or at his last known place of abode or of business, sufficient cause is not shown to the contrary, the justice shall issue his warrant of distress for the seizure and sale of the goods and chattels of the person for the recovery of the amount proved before the justice to be due from the person, with such costs, to be settled by the justice, and including the costs of cutting off the gas if the same is cut off by the Company, as the justice thinks just and reasonable. Recovery of charges for gas.

86. Whenever any person fails to pay any gas rent or meter rent or sum due and payable by him to the Commercial Company, the Company may recover the same in any court of competent jurisdiction for the recovery of debts of like amount, and the remedies of the Company under this section shall be in addition to their other remedies for the recovery of the rent and sum. Recovery of sums due to the Company.

87. The register of the meter shall be primâ facie evidence of the quantity of gas consumed by any customer of the Commercial Company, and in respect of which any rent is charged and sought to be recovered by the Company. Register of meter to be primâ facie evidence of gas consumed.

88. Penalties imposed on the Commercial Company for one and the same offence by several Acts of Parliament are not cumulative, and for that purpose this Act and the Acts incorporated therewith are several Acts. Penalties on Company not cumulative.

38 & 39 Vict., Cap. 200.

The SCHEDULE to the foregoing Act.

THE COMMERCIAL GAS COMPANY.

I do hereby contract with the Commercial Gas Company for a supply of gas by meter on the following terms and conditions, (namely,) at per thousand cubic feet, or such other rate as the Company are for the time being entitled under Act of Parliament to charge, and per quarter for the use of the Company's light meter; and if the meter from any cause ceases or omits to register accurately the quantity of gas used, I hereby agree to pay in respect of the gas consumed a reasonable proportion of the above rate for and during the period of such non-registration. And I agree to pay the rent [quarterly], and hold myself liable for all gas consumed on the above premises, whether by myself or others, until notice in writing be given by me to the Company.

I also agree that the meter shall be accessible at all reasonable times to the inspection of the Company's inspectors or servants.

(Signed) Consumer.

(Witness) Inspector.

2 Edw. 7, Cap. 134.

COMMERCIAL GAS ACT, 1902.

Recovery of demands under fifty pounds.

4. Proceedings for the recovery of any demand not exceeding fifty pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

5. * * *

Conversion of capital stocks.

(2) The four per centum capital stock shall as from the said first day of January one thousand nine hundred and three be entitled to a uniform dividend of four per centum per annum subject to decrease or increase as by this Act provided.

* * *

(6) The three and a half per centum capital stock shall as from the said first day of January one thousand nine hundred and three be entitled to a uniform dividend of three and a half per centum per annum subject to decrease or increase as by this Act provided. 2 Edw. 7, Cap. 134.

* * *

(8) Nothing in this Act shall be deemed to authorise the Company to alter the amount of the insurance fund they are immediately before the passing of this Act authorised to form.

* * *

Varying illuminating power standard price and dividend.

12.—(1) On and after the first day of January one thousand nine hundred and three the prescribed illuminating power of the gas supplied by the Company shall be fourteen candles and the standard price of such gas shall be three shillings and threepence.

(2) With respect to the decrease and increase of the dividend payable by the Company according to increase or decrease in the price of gas supplied by the Company the following provision shall have effect in lieu of the provision in that behalf contained in section 53 of the Act of 1875 (that is to say):—

> The price charged by the Company for gas of the illuminating power in this section mentioned may be increased above or reduced below the standard price chargeabe for such gas subject to a reduction or increase in the standard dividend payable by the Company on the capital stock as follows:—
>
> In respect of any half-year during any part of which the price charged by the Company shall have been one penny or part of a penny above such standard price the dividend payable by the Company for that half-year shall in respect of each penny or part of a penny by which such standard price shall have been increased be reduced below the standard rate of dividend by one shilling and four pence on every one hundred pounds four per centum capital stock and so in proportion for any fraction of one hundred pounds of that stock and by one shilling and eight pence on every one hundred pounds of three and a half per centum capital stock and so in proportion for any fraction of one hundred pounds of the last mentioned stock;

2 Edw. 7, Cap. 134.

And in respect of any half-year during the whole of which the price charged by the Company shall have been one penny or more below such standard price the dividend payable by the Company for that half-year may in respect of each penny by which the price shall have been so reduced below such standard price be increased above the standard rate by one shilling and four pence on every one hundred pounds of four per centum capital stock and so in proportion for any fraction of one hundred pounds of that stock and by one shilling and eight pence on every one hundred pounds of three and a half per centum capital stock and so in proportion for every fraction of one hundred pounds of the last-mentioned stock.

Provided that if in any half-year the dividend payable shall be a fractional amount less than one quarter per centum the Company may defer the payment of such fractional amount until the payment of the next or some succeeding dividend and shall in the discretion of the Company either add such fractional amount to and pay the same with such succeeding dividend accordingly or add the same to the reserve fund.

(3) Section 53 (Fixing maximum price of gas with sliding scale as to dividend) of the Act of 1875 shall be repealed as from the first day of January one thousand nine hundred and three.

Company to supply suitable burners gratis in lieu of those in use.

13. The Company shall at any time within two years after the first day of July one thousand nine hundred and three if and when required by the consumers of the gas supplied by the Company other than consumers by slot meters supply to them and fix free of charge a sufficient number of burners suitable in all respects for the consumption of gas of the illuminating power prescribed by this Act The Company shall also as soon as reasonably practicable after the said first day of July one thousand nine hundred and three and at the latest within the period of twelve months thereafter exchange the burners used by consumers of gas supplied by the Company by means of slot meters for burners similarly suitable for the consumption of gas of the illuminating power prescribed by this Act.

Notice of the provisions of this section shall be given on each demand note of the Company sent out during the said period.

* * *

2 Edw. 7, Cap. 134.

Sale of unissued stock.

15.—(1) Notwithstanding anything in this Act when any capital stock created under the powers of but not vested by this Act is to be issued and whether or not the capital stocks of the Company or either of them are or is at a premium the Company before offering the same to the holders of any other stock of the Company or for sale by public auction or tender may (with the approval of the Board of Trade to be signified in writing under the hand of an assistant secretary of that Board) offer to all the gas consumers and persons in the employ of the Company the stock so to be issued at as near as may be the average market price of the four per centum capital stock by this Act created and vested in the month immediately preceding such offer Provided that in no case shall the price at which such stock shall be offered be lower than five per centum below such market price and if and so far as the stock so offered is not taken by such persons the Company before offering the same to the holders of any other stock of the Company shall offer the same at the same reserve price for sale by public auction or by tender in such manner and at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such offer or sale no single lot shall comprise more than one hundred pounds nominal value of such stock and that notice of the amount of such reserved price shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner And provided that no priority of tender shall be allowed to any holders of stock in the Company except that if any bid or offer by tender of any holder or holders of stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of stock in the Company shall be accepted in preference.

(2) To ascertain the average market price aforesaid of the stock in the month immediately preceding an offer to consumers and employees the mean daily prices recorded in the official published list of the London Stock Exchange shall be taken for the last four completed weeks.

Purchase money of capital sold to be paid within three months

16. It shall be one of the conditions of any sale of stock under this Act that the full price thereof including any premium given by any purchaser at such sale shall be paid to the Company within three months after such sale.

2 Edw. 7, Cap. 134.

Notice to be given as to sale of stock.

17. The intention to sell any such stock by auction or by tender shall be communicated in writing to the clerk of the London County Council and to the clerk of every metropolitan borough whose district or part of whose district is included within the limits of the Company for the supply of gas and to the Secretary of the Committee of the London Stock Exchange at least twenty-eight days before the day of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the said limits.

Stock not sold by auction or by tender to be offered to holders of capital stock.

18. When any stock created under the powers of this Act has been offered for sale by auction or tender and not sold the same may be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of capital stock of the Company in manner provided by the Companies Clauses Act 1863 as amended by section 6 of the Companies Clauses Act 1869 Provided always that any stock so offered and not accepted within the time prescribed by the said Act may again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of stock in the additional capital created under the powers of this Act and any stock not then sold may be again offered to the holders of capital stock of the Company at the reserved price put upon the same at such last-mentioned sale and so from time to time until the whole of such stock is sold.

Application of premium arising on issue of stock.

19. Any sum of money which shall arise from the issue of any such stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage by the Company and shall not be considered as part of the capital of the Company entitled to dividend Provided that the premium received from the sale of stock by auction or tender as hereinbefore provided shall for the purpose of determining the powers of the Company to raise money by borrowing be reckoned as part of the paid-up capital.

APPENDICES.

APPENDIX A.

Gas and Water Works Facilities Act, 1870. (33 & 34 Vict. cap. 70.)

BOARD OF TRADE RULES

WITH RESPECT TO PROVISIONAL ORDERS AND OTHER MATTERS UNDER THE ABOVE-MENTIONED ACT.

By the Gas and Water Works Facilities Act, 1870, it is provided as follows.

DESCRIPTION OF CASES WITHIN THIS ACT, BY WHOM PROVISIONAL ORDERS MAY BE OBTAINED, AND THE NECESSARY CONSENTS THERETO.

[See ss. 3 and 4 of the Act, pp. 197, 198].

DEFINITION OF TERMS.

Section 2 of the Act provides that for the purposes of the Act—

[See definitions of terms "local authority," "road," "road authority," and "district," in s. 2 of the Act, p. 196, and schedule A thereto, pp. 203, 204.]

SCHEDULE A.—Definition of local authorities.

[See Schedule A to the Act, pp. 203, 204.]

BOARD OF TRADE RULES.

Evidence of consent of local and road authorities.

RULE I.—Evidence of the consent required by the foregoing sec. 4 must be given by furnishing, at the time fixed for proving compliance with the Act and these Rules, a certified copy of the resolution passed at the meeting of the local or road authority, as the case may be, at which the application was approved, together with a copy of the notice convening the meeting, which notice must contain a statement that the subject of the proposed Provisional Order will be brought before the meeting.

ADVERTISEMENT AND NOTICES IN OCTOBER OR NOVEMBER AND DECEMBER.

Advertisement and notices of intended application.

SECTION 5.—"The undertakers intending to make an application "for a Provisional Order in pursuance of this Act shall proceed as "follows :—

[See s. 5 of the Act, sub-sections 1-4, pp. 198, 199, also Schedule B.—Part I, p. 204.]

SCHEDULE B.—(PART I.)

Notice to owners and lessees of railways, tramways, and canals.

RULE II.—On or before the 15th day of December immediately preceding the application for any Provisional Order for constructing gasworks or waterworks, or works connected therewith whereby it is proposed to lay any pipes along or across any railway, tramway, canal, or navigable river, or over any county bridge, or other-

wise to affect or interfere with such railway, tramway, canal, navigable river, or county bridge, notice in writing of such application shall be served upon the owner or reputed owner, and upon the lessee or reputed lessee of such railway, tramway, canal, or navigable river, and upon the county justices with respect to such bridges, and such notice shall state the place or places at which the plans of the works to be authorised by such order have been or will be deposited.

Every such notice must be accompanied by a copy of Rule XV., omitting the first paragraph, and must state where copies of the draft Provisional Order, when deposited at the Board of Trade, can be obtained.

Notice to persons within 300 yards of proposed gasworks.

RULE III.—When the application includes a power to construct works for the manufacture of gas the promoters must comply with the requirements of the following Standing Order of the House of Lords and of the House of Commons:—

"*On or before the 15th day of December immediately preceding the application for a Bill * * * for constructing gasworks * * * or works for the manufacture or conversion of the residual products, notice shall be served upon the owner, lessee, and occupier of every dwelling-house situate within* 300 *yards of the limits within which * * * such works may be constructed.*"

Notice in case of storage of gas.

RULE IV.—Similar notice to the above must be given when works are proposed to be constructed for the *storage of gas*.

Intimation to intending objectors.

RULE V.—The preceding advertisement and notices must state that every company, corporation, or person desirous of making any representation to the Board of Trade, or of bringing before them any objection respecting the application, may do so by letter addressed to the Assistant Secretary of the Railway Department of the Board of Trade, *on or before the 15th of January* next ensuing; that copies of their objections must at the same time be sent to the promoters, and that in forwarding to the Board of Trade such objections, the objectors or their agents should state that a copy of the same has been forwarded to the promotors or their agents.

DEPOSITS ON OR BEFORE 30TH NOVEMBER.

SCHEDULE B.—(PART II.)

[See Act, pp. 204, 205.]

Deposit on 30th November of map of the district.

RULE VI.—A published map of the district on a scale of not less than one inch to a mile [if there is no published map then the best map obtainable], showing the boundaries of the proposed limits of supply and the situation of the proposed works, must also be deposited at the Board of Trade on or before 30th November.

Where the application proposes any extension of the existing limits of supply, the proposed extension should be distinguished from the existing area of supply.

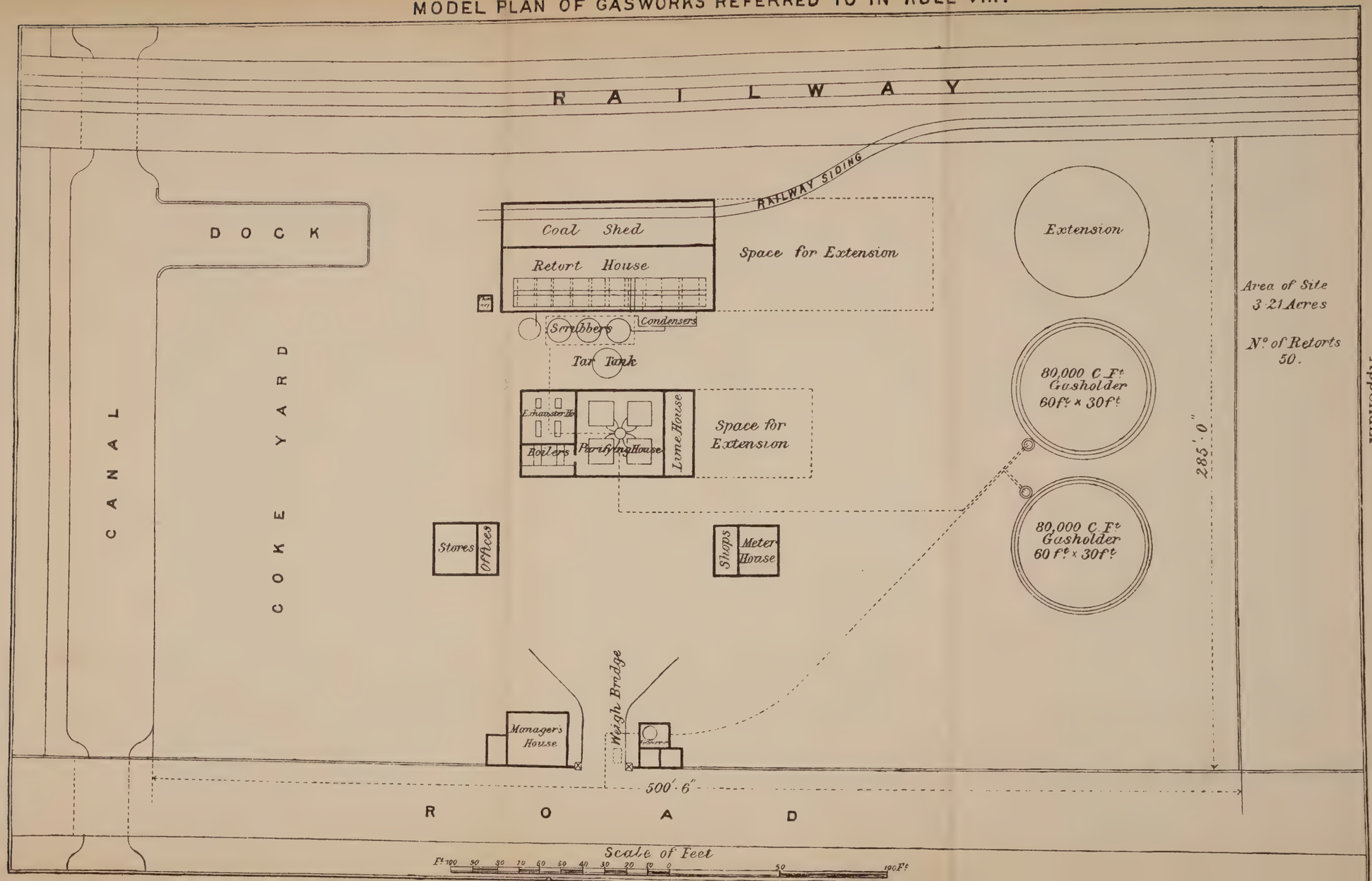
Plans in certain cases to be in duplicate.

RULE VII.—The plans to be deposited with the clerk of the peace or sheriff clerk (as the case may be) must be in duplicate. *See* Standing Order of the House of Lords and of the House of Commons.

Maps and plans of gasworks.

RULE VIII.—The map to be deposited under Part II. of Schedule B. with respect to gasworks must be on a scale of not less than one inch to a mile, and the plan of the proposed works shall be on a scale of not less than one inch to the 100 feet, and prepared as far as may be in accordance with the model plan appended to these Rules. In cases where any of the works shall be situate on tidal lands within the ordinary spring tides, all tidal waters must be coloured blue on the map and plan.

MODEL PLAN OF GASWORKS REFERRED TO IN RULE VIII.



RULE IX.—The plans and sections to be deposited under Part II. of Schedule B. with respect to waterworks shall be such plans and sections as would be required by the Standing Orders for the time being of the Houses of Parliament, if the promoters instead of applying for a Provisional Order were proceeding by Private Bill. Plans and sections of waterworks.

RULE X.—The following Standing Orders must be also complied with * :— Plans, &c., to be deposited in Parliament.

STANDING ORDER of the HOUSE OF LORDS.

"*Whenever plans, sections, books of reference, or maps are deposited in the case of an application to any public department or county council for a Provisional Order or Certificate, duplicates of the said documents shall at the same time be deposited in the office of the Clerk of the Parliaments, provided that, with regard to such deposits as are so made at any public department or with any county council after the prorogation of Parliament, and before the 30th day of November in any year, such duplicates shall be so deposited on or before the 30th day of November.*"

STANDING ORDER of the HOUSE OF COMMONS.

"*Whenever plans, sections, books of reference, or maps are deposited in the case of an application to any public department or county council for a Provisional Order or Provisional Certificate, duplicates of the said documents shall, at the same time, be deposited in the Private Bill Office; provided that, with regard to such deposits as are so made at any public department or with any county council after the prorogation of Parliament, and before the 30th day of November in any year, such duplicates shall be so deposited on the 30th day of November.*"

DEPOSITS ON OR BEFORE 23RD DECEMBER.

SCHEDULE B.—(PART III.)

[See Act, p. 205.] †

RULE XI.—The following documents, &c., must also be deposited at the Board of Trade on the 23rd December :— Deposits on 23rd December.

(1.) A complete list of every railway, tramway, and canal along or across which it is proposed to lay any pipes, or otherwise to affect or interfere with, together with the names and addresses of the owners or reputed owners and lessees or reputed lessees thereof, and a certified copy of the notice served upon them. List of railways, tramways, and canals, and copy of notice.

(2.) When the application includes a power to construct any gasworks or waterworks or works connected therewith, a list of the local and road authorities in whose districts the proposed works are situated, including the clerk to the justices in cases where it is proposed to lay any pipes across county bridges. List of local and road authorities.

(3.) A complete list of every company, corporation, or person supplying gas or water (as the case may be) within the district and a certified copy of the notice served upon them. List of gas or water companies, and copy of notice.

(4.) A complete list of the mill-owners, &c., referred to in section 5 (2) of the Act, and a certified copy of the notice served upon them. List of mill-owners, &c., and copy of notice.

(5). A complete list of every owner, lessee, or occupier within 300 yards of any proposed gas works or works for the storage of gas, and a certified copy of the notice served upon them. List of persons within 300 yards of proposed gasworks, and copy of notice.

(6.) In cases where no new gasworks are proposed, a plan showing the site of the existing gasworks and the proposed enlargement thereof (if any). Additional plan.

* These Standing Orders refer to *amended* as well as to original plans.

† The advertisement referred to in the form of memorial in the schedule may be in print and pasted on to the body of the memorial.

Statement of capital.

(7.) A statement of the existing capital of the promoters, showing the amount authorised, raised, and expended, and in the case of applications for additional capital, a statement setting forth, under separate heads, all the purposes for which the additional capital is required. (This statement must be furnished whether the promoters have parliamentary powers or not.)

(7*a*) A copy of the printed accounts presented to the shareholders for the half-year next preceding the application.

Description of land.

(8.) A description of the land (if any) which the promoters propose to purchase for the purposes of gasworks or waterworks. (The contracts for the purchase of all the lands required must be produced at the time fixed for proving compliance with the Act and these Rules.)

Memorandum and Articles of Association, &c.

(9.) A list of every Provisional Order or Act of Parliament (if any) of the promoters; and where the promoters are a company incorporated under the Companies Act, 1862, a printed copy of the Memorandum of Association, Articles of Association, and any registered special resolution of the Company; and, in case of a company incorporated in any other manner, a copy of every deed or instrument of settlement or incorporation.

Fee.

(10.) A fee of 35*l*., by cheque payable to an "Assistant Secretary of the Board of Trade." (This fee will not necessarily be taken to cover the costs of inquiries or other matters arising out of the application; with respect to costs in such matters, security must be given from time to time by the promoters as the Board of Trade may require.)

Form of draft Provisional Order.

RULE XII.—The draft Provisional Order must be in triplicate, and must have the land proposed to be taken scheduled thereto. It must be printed on one side only of the page of paper, so as to leave the back of the page blank, and any schedule annexed must begin a new page. The names and addresses of the agents of the Provisional Order must be printed on the outside of the draft Order, and there should be a notice at the end of it stating that objections are to be addressed to the Assistant Secretary of the Railway Department of the Board of Trade on or before the 15th January next ensuing, that copies of the objections must at the same time be sent to the promoters, and that in forwarding such objections to the Board of Trade the objectors or their agents should state that a copy of the same has been sent to the promoters or their agents.

Resolution as to additional capital.

RULE XIII.—In the case of any application for additional capital by promoters having parliamentary powers, a certified copy of the resolution of three-fourths of the shareholders present and voting at a special general meeting approving of the application, together with a copy of the notice convening the meeting, must be furnished before the application can be entertained.

Resolutions as to agreements and amalgamations.

RULE XIV.—When an application includes power for two or more companies supplying gas or water (as the case may be) in any district to enter into agreements jointly to furnish gas or water, and to amalgamate their undertakings, certified copies of the resolutions passed by three-fourths of the shareholders of each company present and voting at a special general meeting called for the purpose of considering the application, with a copy of the notice convening the meeting, must be furnished before the application can be entertained.

PROOFS OF COMPLIANCE WITH THE ACT AND RULES.

Proofs of compliance with Act and rules.

RULE XV.—The Agents must be prepared to prove compliance with the provisions of the Act and these Rules by the 15*th January, and all such proofs must be completed on or before the* 22*nd*

February. Six days' notice will be given of the day and hour at which the Agents are to attend for the purpose at the Board of Trade, and printed forms of proof will accompany the notice. These forms should be filled up by the Agents, and brought with the requisite documents to the Department at the time fixed for proof.

If any local or road authority, railway, tramway, or canal Company, or any other Company, body, or person, desires to have any clauses or other amendments inserted in the Order they must deliver the same to the Agents for the Order, and also to the Board of Trade, on or before the *8th February:* Provided that no such delivery shall prejudice the right of the party making such delivery to oppose the Order.

On or before the 22nd February the Agents must give to the Board of Trade a filled up draft printed Order (in duplicate), containing in manuscript all such clauses or other amendments as have been agreed upon.

If any of the clauses or other amendments which have been delivered to the agents are not settled with the consent of both parties, the Agents must, so far as they can, on or before the 22nd February, show what are the amendments, if any, which each party would be willing to accept.

After the 22nd February no further proposals for clauses will be entertained by the Board of Trade.

DEPOSIT AND ADVERTISEMENT OF ORDER AS MADE.*

Deposit and advertisement of Order as made.

SECTION 8.—"When a Provisional Order has been made as "aforesaid and delivered to the undertakers, the undertakers "shall forthwith deposit and publish the same by advertisement "according to the regulations contained in Part IV. of the Schedule "(B.) to this Act."

SCHEDULE B.—(PART IV.)

[See Act, p. 205.] †

Proofs of deposit and advertisement of Order as made.

RULE XVI.—When a Provisional Order has been made, and before it is introduced into the Confirmation Bill, the promoters will be required to submit to the Board of Trade the following proofs, viz. :—

(1.) The receipt of the clerk of the peace or sheriff clerk, or to prove by affidavit the deposit of the Order with such officer as required by Part IV. of Schedule B. to the Act.

(2.) A copy of the local newspaper containing the advertisement of the Order. This advertisement must have a short heading stating that the Order has been made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, previous to its being introduced into a Confirmation Bill, and must also state the office where printed copies of the Order can be obtained which must be the office named in the original advertisement of the application for the Order.

(3.) Proof must also be given that the advertised Order is a correct copy of the Order delivered by the Board of Trade to be advertised, that it was inserted in the newspaper in which the original advertisement of the application for the Order was published, and that a sufficient number of printed copies of the Order have been deposited for sale at the office named in the original

* Section 9 of the Act requires that the Order as made shall be deposited and advertised *not later* than the 25th April. See p. 200.

† The Board of Trade consider that the price to be inserted in s. (2.) of Schedule B. Part IV. should not be more than one shilling.

advertisement, with a statement of the price for which they may be obtained.

Printed forms for these proofs will be furnished by the Board of Trade when the Order is sent to the promoters to be advertised, and these must be filled up by the promoters and brought or forwarded to the Department with the requisite documents as soon as possible after the advertisement and deposit have been made.

PROLONGATION OF TIME FOR COMMENCEMENT OR COMPLETION OF GAS AND WATER WORKS.

Prolongation of time for commencement or completion of works.

The Board of Trade, under the powers conferred upon them by section 11 of the Gas and Water Works Facilities Act, 1870, have made the following rules with respect to applications for a prolongation of time for the commencement or the completion of the works authorised by any order made under the above-named Act:—

1. The application should be in the form of a memorial setting forth the grounds on which the application is made, and must be made *at least one month before* the expiration of the time prescribed for the commencement or the completion of the works as the case may be.
2. The undertakers of any gas or water undertaking authorised by any Order, who intend to apply to the Board of Trade for a prolongation of the time limited for the commencment or the completion of the works authorised by such Order, shall publish by advertisement, once at least in two successive weeks, in some one and the same newspaper circulating in the district affected by such Order, a notice of their intention to apply to the Board of Trade for a prolongation of time.
3. The notice must state the period to which it is proposed to prolong the time limited for the commencement or the completion of the works, as the case may be, and must contain a notification that all persons desirous of making any representation to the Board of Trade, or of bringing before them any objection respecting the application, may do so by letter addressed to the Assistant Secretary of the Railway Department of the Board of Trade, on or before a day to be named in the advertisement, being not less than 21 days from the date of the first publication of the advertisement, and that copies of their representations or objections are at the same time to be sent to the undertakers.
4. A similar notice must be delivered to every local and road authority, and to every company, corporation, or person supplying gas or water, as the case may be, within the district affected by the Order, and in the case of water which is authorised by an order to be abtracted from a stream, to the owners, lessees, and occupiers of mills, manufactories, and other works using the water of such stream, to whom notice was required to be given the application for such Order, *before* the second publication of the notice. Copies of newspapers containing the notice, and a statement that a copy of it has been duly served on all the parties above mentioned, as required by these rules, must be sent to the Board of Trade with the application.
5. Before the Board of Trade comply with the application they will impose such conditions (if any) as they think fit.

COURTENAY BOYLE.

Board of Trade (Railway Department),
August 1886.

APPENDIX B.

Gas and Water Works Facilities Act, 1870, and Gas and Water Works Facilities Act, 1870, Amendment Act, 1873.

REGULATIONS OF THE LOCAL GOVERNMENT BOARD IN REGARD TO PROVISIONAL ORDERS. (a)

To THE URBAN SANITARY AUTHORITIES for the Urban Sanitary Districts in ENGLAND and WALES; and to all others whom it may concern.

WHEREAS by Section 5 of "The Gas and Water Works Facilities Act, 1870," it is enacted that the Undertakers intending to make application for a Provisional Order in pursuance of that Act, shall (amongst other things), on or before the 30th day of the month of November next before their application, deposit the documents described in Part II. of Schedule B. to that Act, according to the regulations therein contained;

And whereas by Part II. of Schedule B. aforesaid it is provided that the Undertakers shall deposit (amongst other things) a proper plan and section of the proposed new works, if any, such plan and section to be prepared according to such regulations as may from time to time be made by the Board of Trade in that behalf;

And whereas by Section 6 of the said Act it is further enacted that the Board of Trade shall consider the application for any such Provisional Order as aforesaid, and also any objection thereto that may be lodged with them on or before such day as they from time to time appoint, and shall determine whether or not the Undertakers may proceed with the application;

And whereas by Section 14 of "The Gas and Water Works Facilities Act, 1870, Amendment Act, 1873," it is enacted as follows:—

[See s. 14 of the Act, p. 202.]

And whereas by Section 161 of The Public Health Act, 1875, it is enacted that—

> Where an Urban Sanitary Authority may under that Act themselves undertake to supply gas for the whole or any part of their District, a Provisional Order authorising a gas undertaking may be obtained by such Authority, under and subject to the provisions of the Gas and Water Works Facilities Act, 1870, and any Act amending the same; and in the construction of the said Act the term "the undertakers" shall be deemed to include any such Urban Sanitary Authority: Provided that, for the purposes of that Act, the Local Government Board shall throughout the said Act be deemed to be substituted for the Board of Trade.

And whereas by an Order dated the 26th day of October, 1877, We, the Local Government Board, prescribed regulations with regard to the proceedings to be taken by Urban Sanitary Authorities in connection with applications made by them for Provisional Orders as aforesaid, and by a further Order dated the

(a) Corresponding Regulations as to Ireland, made under the Public Health Ireland) Act, 1878, and dated 27th January, 1882, may be obtained at the office of the Local Government Board for Ireland, Custom House, Dublin.

1st day of November, 1877, We appointed the day on or before which objections to any such applications should be lodged with Us;

And whereas it is expedient that further provision in the matter should be made as herein-after mentioned:

NOW THEREFORE, in pursuance of the above-cited provisions, and by virtue of the several other authorities enabling Us in this behalf, We hereby rescind the said Orders dated respectively the Twenty sixth day of October, One thousand eight hundred and seventy-seven, and the First day of November, One thousand eight hundred and seventy-seven, and in lieu thereof We do hereby make the following Regulations and Rules:—

1. The Notice in writing and the Notice by advertisement required to be given by sub-sections 1 and 2 of Section 5 of the Gas and Water Works Facilities Act, 1870, must state that every Company, Corporation, or person referred to therein, or any other person desirous of bringing before the Local Government Board, any objection respecting the application of the Urban Sanitary Authority for a Provisional Order, may do so by letter addressed to the Secretary of the said Board, to be lodged with the said Board on or before the Fifteenth day of January next ensuing the making of such application, and that a copy of such objection must, at the same time, be sent to the Clerk to such Urban Sanitary Authority.

2. The map required to be deposited on or before the Thirtieth day of November, by Schedule B., Part II., of the said Act, must be on a scale of not less than six inches to the mile, and must show distinctly the situation of the land proposed to be used for the manufacture of gas, or of residual products arising in the manufacture of gas, in relation to the adjoining lands and premises, and to the Urban Sanitary District generally. The plan and section of any proposed new works required to be deposited on or before the day aforesaid by the said part of the said Schedule must be on a scale of not less than one inch to 50 feet, and must, as far as practicable, show the general arrangement, elevation, and character of the proposed works.

   In any case where any part of the works would be situate on lands where the ordinary spring tide flows, the site of such lands must be coloured blue on the map and plan. A copy of such map and plan, coloured in like manner, and marked "Tidal Waters," shall be deposited at the Board of Trade on or before the date last aforesaid.

3. Where the application is for an extension of Gas Works, a map or plan of the existing Gas Works on a scale of not less than six inches to the mile must accompany the Memorial to be deposited with the Local Government Board.

4.—(i.) The draft of the Provisional Order required to be deposited with the Local Government Board on or before the Twenty-third day of December must be on foolscap paper, and printed or lithographed on one side only.

   (ii.) The name of the Urban Sanitary Authority, together with the name and address of the Clerk to such Authority, must be shown on the back of the last page of every such Draft Provisional Order, which must

contain a Notice at the end of it, stating that any objections are to be sent to the Local Government Board in the manner aforesaid.

(iii.) Three copies of the Draft Order must be deposited with the Local Government Board.

5. The Urban Sanitary Authority must prove compliance with the provisions of—

(i.) The Gas and Water Works Facilities Act, 1870, Section 5, sub-section (1);

(ii.) The Gas and Water Works Facilities Act, 1870, Schedule B., Part I., Paragraphs (3) and (4);

(iii.) The Gas and Water Works Facilities Act, 1870, Schedule B., Part II., Paragraph (2);

(iv.) The Gas and Water Works Facilities Act, 1870, Schedule B., Part III., Paragraph (2);

(v.) This Order;

by an Affidavit or Statutory Declaration to be made by the Clerk or some other officer of the Urban Sanitary Authority, and to be deposited with the Local Government Board on or before the First day of January next ensuing the making of the application.

Copies of the notices, together with copies of the newspapers and London Gazette containing the notice by advertisement, and the receipt of the Clerk of the Peace (if any) for the documents deposited with him must be annexed to the Affidavit or Declaration as Exhibits.

Such Affidavit or Declaration must also state that there is not any company or person authorised by or in pursuance of any Act of Parliament, or any Order confirmed by Parliament, to supply gas for public and private purposes, supplying gas within any part of the District of such Urban Sanitary Authority, or within the part of the District which the Urban Sanitary Authority propose to supply, as the case may be.

6. On or before the First day of January there must be deposited with the Local Government Board an affidavit, showing that the requirements of the Standing Orders of both Houses of Parliament have been complied with, as regards the deposit with the Clerk of the Parliaments and at the Private Bill Office of duplicates of every map, plan, section, and book of reference deposited with the Local Government Board, and as regards the deposit with the Board of Trade of the copy of the map and plan before referred to. The affidavit must be sworn by the Clerk or some other officer of the Urban Sanitary Authority and by the person by whom the deposits were made.

7. Any objection to an application by an Urban Sanitary Authority for a Provisional Order as aforesaid must be lodged with the Local Government Board on or before the Fifteenth day of January next ensuing the making of the application by the Urban Sanitary Authority.

8. Every memorial, objection, and other such document deposited or lodged with the Local Government Board must be on foolscap paper.

9. When an objection is lodged with the Local Government Board, the objector or his agent must state that he has at the same time forwarded a copy of such objection to the Urban Sanitary Authority.

10. When a Provisional Order has been issued by the Local Government Board the Urban Sanitary Authority must, within fourteen days after the day on which the same shall have been sent to them by the Local Government Board, transmit to the said Board an Affidavit or Statutory Declaration, made by the Clerk or some other officer of the Urban Sanitary Authority, proving that the Provisional Order was published on or before the Twenty-fifth day of April, in conformity with paragraph 3 of Schedule B., Part IV., of the Gas and Water Works Facilities Act, 1870, and that paragraphs 1 and 2 of the said part of that Schedule have been complied with.

The receipt of the Clerk of the Peace (if any) for the copies of the Provisional Order deposited with him, and copies of the Provisional Order and of the newspaper containing the advertisement of such Order, must be annexed to the Affidavit or Declaration as Exhibits.

11. Every Statutory Declaration and Affidavit under these Regulations and Rules must be made or sworn before a Justice of the Peace or a Commissioner for Oaths, and must be duly stamped.

Given under the Seal of Office of the Local Government Board, this Seventh day of September, in the year One thousand eight hundred and ninety-one.

HENRY MATTHEWS
One of the Ex-officio Members of the Local Government Board.

S. B. PROVIS.
Assistant Secretary.

Date of publication in the London Gazette,
8th September, 1891.

APPENDIX C.

Regulations made by the Board of Trade under the provisions of the Tramways Act, for regulating the employment of insulated returns, or of uninsulated metallic returns of low resistance; for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes, structures, or substances; and for minimising as far as is reasonably practicable injurious interference with the electric wires, lines, and apparatus of parties other than the Company, and the currents therein, whether such lines do or do not use the earth as a return.

Definitions.

In the following regulations—

The expression "energy" means electrical energy.

The expression "generator" means the dynamo or dynamos or other electrical apparatus used for the generation of energy.

The expression "motor" means any electric motor carried on a car and used for the conversion of energy.

The expression "pipe" means any gas or water pipe or other metallic pipe, structure, or substance.

The expression "wire" means any wire or apparatus used for telegraphic, telephonic, electrical signalling, or other similar purposes.

The expression "current" means an electric current exceeding one thousandth part of one ampere.

The expression "the Company" has the same meaning as in the Tramways Act.

Regulations.

1. Any dynamo used as a generator shall be of such pattern and construction as to be capable of producing a continuous current without appreciable pulsation.

2. One of the two conductors used for transmitting energy from the generator to the motors shall be in every case insulated from earth, and is herein-after referred to as the "line"; the other may be insulated throughout, or may be uninsulated in such parts and to such extent as is provided in the following regulations, and is herein-after referred to as the "return."

3. Where any rails on which cars run or any conductors laid between or within three feet of such rails form any part of a return, such part may be uninsulated. All other returns or parts of a return shall be insulated, unless of such sectional area as will reduce the difference of potential between the ends of the uninsulated portion of the return below the limit laid down in Regulation 7.

* The Board of Trade will be prepared to consider the issue of regulations for the use of alternating currents for electrical traction on application.

4. When any uninsulated conductor laid between or within three feet of the rails forms any part of a return, it shall be electrically connected to the rails at distances apart not exceeding 100 feet by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or by other means of equal conductivity.

5. When any part of a return is uninsulated it shall be connected with the negative terminal of the generator, and in such case the negative terminal of the generator shall also be directly connected, through the current-indicator herein-after mentioned, to two separate earth connections which shall be placed not less than 20 yards apart.

Provided that in place of such two earth connections the Company may make one connection to a main for water supply of not less than three inches internal diameter, with the consent of the owner thereof and of the person supplying the water, and provided that where, from the nature of the soil or for other reasons, the Company can show to the satisfaction of an inspecting officer of the Board of Trade that the earth connections herein specified cannot be constructed and maintained without undue expense the the provisions of this regulation shall not apply.

The earth connections referred to in this regulation shall be constructed, laid, and maintained so as to secure electrical contact with the general mass of earth, and so that an electro-motive force, not exceeding four volts, shall suffice to produce a current of at least two amperes from one earth connection to the other through the earth, and a test shall be made at least once in every month to ascertain whether this requirement is complied with.

No portion of either earth connection shall be placed within six feet of any pipe except a main for water supply of not less than three inches internal diameter which is metallically connected to the earth connections with the consents herein-before specified.

[For additional paragraphs to this regulation, see Variation of Regulations sanctioned by the Board of Trade in August, 1901, p. 589.]

6. When the return is partly or entirely uninsulated the Company shall in the construction and maintenance of the tramway (*a*) so separate the uninsulated return from the general mass of earth, and from any pipe in the vicinity; (*b*) so connect together the several lengths of the rails; (*c*) adopt such means for reducing the difference produced by the current between the potential of the uninsulated return at any one point and the potential of the uninsulated return at any other point; and (*d*) so maintain the efficiency of the earth connections specified in the preceding regulations as to fulfil the following conditions, viz.:—

(i.) That the current passing from the earth connections through the indicator to the generator shall not at any time exceed either two amperes per mile of single tramway line or five per cent. of the total current output of the station.

[In line 2 of above sub-section (i.), after "generator," add "or through the resistance to the insulated return." See Variation of Regulations sanctioned by Board of Trade in Aug. 1901, p. 589.]

(ii.) That if at any time and at any place a test be made by connecting a galvanometer or other current-indicator to the uninsulated return and to any pipe in the vicinity, it shall always be possible to reverse the direction of any current indicated by interposing a battery of three Leclanché cells connected in series if the direction of the current is from the return to the pipe, or by interposing one Leclanché cell if the direction of the current is from the pipe to the return.

In order to provide a continuous indication that the condition (i.) is complied with, the Company shall place in a conspicuous position a suitable, properly connected, and correctly marked current-

indicator, and shall keep it connected during the whole time that the line is charged.

The owner of any such pipe may require the Company to permit him at reasonable times and intervals to ascertain by test that the conditions specified in (ii.) are complied with as regards his pipe.

7. When the return is partly or entirely uninsulated a continuous record shall be kept by the Company of the difference of potential during the working of the tramway between the points of the uninsulated return furthest from and nearest to the generating station. If at any time such difference of potential exceeds the limit of seven volts, the Company shall take immediate steps to reduce it below that limit.

8. Every electrical connection with any pipe shall be so arranged as to admit of easy examination, and shall be tested by the Company at least once in every three months.

9. Every line and every insulated return or part of a return except any feeder shall be constructed in sections not exceeding one-half of a mile in length, and means shall be provided for isolating each such section for purposes of testing.

10. The insulation of the line and of the return when insulated, and of all feeders and other conductors, shall be so maintained that the leakage current shall not exceed one hundredth of an ampere per mile of tramway. The leakage current shall be ascertained daily before or after the hours of running when the line is fully charged. If at any time it should be found that the leakage current exceeds one-half of an ampere per mile of tramway the leak shall be localised and removed as soon as practicable, and the running of the cars shall be stopped unless the leak is localised and removed within 24 hours. Provided that where both line and return are placed within a conduit this regulation shall not apply.

11. The insulation resistance of all continuously insulated cables used for lines, for insulated returns, for feeders, or for other purposes, and laid below the surface of the ground, shall not be permitted to fall below the equivalent of 10 megohms for a length of one mile. A test of the insulation resistance of all such cables shall be made at least once in each month.

12. Where in any case in any part of the tramway the line is erected overhead and the return is laid on or under the ground, and where any wires have been erected or laid before the construction of the tramway in the same or nearly the same direction as such part of the tramway, the Company shall, if required so to do by the owners of such wires or any of them, permit such owners to insert and maintain in the Company's line one or more induction-coils or other apparatus approved by the Company for the purpose of preventing disturbance by electric induction. In any case in which the Company withhold their approval of any such apparatus the owners may appeal to the Board of Trade, who may, if they think fit, dispense with such approval.

13. Any insulated return shall be placed parallel to and at a distance not exceeding three feet from the line when the line and return are both erected overhead, or eighteen inches when they are both laid underground.

14. In the disposition, connections, and working of feeders the Company shall take all reasonable precautions to avoid injurious interference with any existing wires.

15. The Company shall so construct and maintain their system as to secure good contact between the motors and the line and return respectively.

16. The Company shall adopt the best means available to prevent the occurrence of undue sparking at the rubbing or rolling contacts in any place and in the construction and use of their generator and motors.

17. In working the cars the current shall be varied as required by means of a rheostat containing at least 20 sections, or by some other equally efficient method of gradually varying resistance.

18. Where the line or return or both are laid in a conduit the following conditions shall be complied with in the construction and maintenance of such conduit:—

(*a.*) The conduit shall be so constructed as to admit of easy examination of and access to the conductors contained therein and their insulators and supports.

(*b.*) It shall be so constructed as to be readily cleared of accumulation of dust or other *débris*, and no such accumulation shall be permitted to remain.

(*c.*) It shall be laid to such falls and so connected to sumps or other means of drainage, as to automatically clear itself of water without danger of the water reaching the level of the conductors.

(*d.*) If the conduit is formed of metal, all separate lengths shall be so jointed as to secure efficient metallic continuity for the passage of electric currents. Where the rails are used to form any part of the return they shall be electrically connected to the conduit by means of copper strips having a sectional area of at least one-sixteenth of a square inch, or other means of equal conductivity, at distances apart not exceeding 100 feet. When the return is wholly insulated and contained within the conduit, the latter shall be connected to earth at the generating station through a high resistance galvanometer suitable for the indication of any contact or partial contact of either the line or the return with the conduit.

(*e.*) If the conduit is formed of any non-metallic material not being of high insulating quality and impervious to moisture throughout, and is placed within six feet of any pipe, a non-conducting screen shall be interposed between the conduit and the pipe, of such material and dimensions as shall provide that no current can pass between them without traversing at least six feet of earth, or the circuit itself shall in such case be lined with bitumen or other non-conducting damp-resisting material in all cases where it is placed within six feet of any pipe.

(*f.*) The leakage current shall be ascertained daily, before or after the hours of running, when the line is fully charged, and if at any time it shall be found to exceed half an ampere per mile of tramway the leak shall be localised and removed as soon as practicable, and the running of the cars shall be stopped unless the leak is localised and removed within 24 hours.

19. The Company shall, so far as may be applicable to their system of working, keep records as specified below. These records shall, if and when required, be forwarded for the information of the Board of Trade.

Daily Records.

No. of cars running.
Maximum working current.
Maximum working pressure.
Maximum current from the earth connections (*vide* Regulation 6 (i.)).
Leakage current (*vide* Regulations 10 and 18 (*f.*)).
Fall of potential in return (*vide* Regulation 7).

Monthly Records.

Condition of earth connections (*vide* Regulation 5).
Insulation resistance of insulated cables (*vide* Regulation 11).

Quarterly Records.

Conductance of joints to points (*vide* Regulation 8).

Occasional Records.

Any tests made under provisions of Regulation 6 (ii.).
Localisation and removal of leakage, stating time occupied.
Particulars of any abnormal occurrence affecting the electric working of the tramway.

Board of Trade,
6th March 1894. 7, Whitehall Gardens, S.W.

Variation of foregoing Regulations sanctioned by the Board of Trade in August, 1901.

Regulation 5, add the following paragraphs:—

When the generator is at a considerable distance from the tramway the uninsulated return shall be connected to the negative terminal of the generator by means of an insulated return conductor, and the generator shall have no other connection with earth; and in such case the end of the insulated return connected with the uninsulated return shall be connected also through a current indicator to two separate earth connections, or with the necessary consents to a main for water supply, or with the like consents to both in the manner prescribed in this regulation.

If the current indicator cannot conveniently be placed at the connection of the uninsulated return with the insulated return, this instrument may consist of an indicator at the generating station connected by insulated wires to the terminals of a resistance interposed between the return and the earth connection or connections. The said resistance shall be such that the maximum current laid down in Regulation 6 (i.) shall produce a difference of potential not exceeding one volt between the terminals. The indicator shall be so constructed as to indicate correctly the current passing through the resistance when connected to the terminals by the insulated wire before-mentioned.

Regulation 6 (1), line 2, after "generator" add the following words:—"or through the resistance to the insulated return."

APPENDIX D.

REGULATIONS UNDER THE "METROPOLIS WATER ACT, 1871." (a).

Presented to both Houses of Parliament by command of Her Majesty.

At the Council Chamber, Whitehall,
The 10th day of August, 1872.

Present :
The Right Honourable Chichester P. Fortescue, M.P.

Section 17. WHEREAS it is provided by the Metropolis Water Act, 1871, that every company subject to the provisions of that Act, shall, within six months after the passing of the said Act, make regulations for the purposes for which regulations may be made under the authority of section 26 of the Metropolis Water Act, 1852, and that the provisions of that section shall apply also to the preventing of undue consumption or contamination of water :

Section 22. And whereas by the said Metropolis Water Act, 1871, it is further provided that no such regulation shall be of any force or effect unless and until the same be submitted to and confirmed by the Board of Trade, who may institute such inquiry in relation thereto, as they shall think fit, and who, at such inquiry, shall hear the metropolitan authority and the company, if desiring to be heard, and the said board shall, if they think fit, or if requested, nominate and have present at such inquiry to advise and assist them, a competent and impartial waterworks engineer :

And whereas it is by the said last-mentioned Act also provided, that no such regulation shall be confirmed by the Board of Trade, unless notice in that behalf shall have been given by the company to which the same relates, or by such person as the Board of Trade direct, in the London Gazette, and in two daily morning newspapers circulated within the limits of the said Act, one month at least before the inquiry, and that one month at least before any such inquiry is held, a copy of the regulations in question shall be sent by such company, or person, to the office of the metropolitan authority, and the same shall for one month be kept open during office hours at the respective offices of the metropolitan authority and of the said company, to the inspection of all persons without fee or reward :

And whereas the metropolitan water companies and the Tottenham Local Board made regulations, in accordance with the provisions of the above-named Act, and submitted the same to the Board of Trade for confirmation, and duly advertised and deposited the same with the metropolitan authorities :

And whereas the Metropolitan Board of Works and the Corporation of the city of London, being metropolitan authorities under the said last-mentioned Act, submitted objections to the said

(a) The Local Government Board also issue, for adaptation and use by Water Companies and Local Authorities, a model form of Bye-Laws or Regulations for preventing waste, misuse, undue consumption or contamination of water.

regulations, and it was deemed expedient that an inquiry should be held in relation thereto :

And whereas by the Board of Trade Inquiries Act, 1872, it is provided that wherever in any Act of Parliament it is directed that an inquiry shall be held or instituted by the Board of Trade, the same shall be deemed to have been duly held or instituted, if conducted by any person or persons duly authorised in that behalf by the president of the said board, by writing under his hand or under the hand of one of the secretaries of the said board :

And whereas the Board of Trade under the powers conferred upon them as aforesaid, appointed the Right Honourable Lord Methuen, Henry Whatley Tyler, Esquire, late Captain Royal Engineers, and Robert Rawlinson, Esquire, C.E., C.B., to hold an inquiry in relation to the regulations so submitted to them by the companies, and by the Tottenham Local Board :

And whereas the said inquiry has been held, and the said metropolitan authorities, and the companies and the local board have been heard at the inquiry :

And whereas, as the result of such inquiry, it has appeared expedient to the Board of Trade to allow such and so many of the said regulations as are contained in the schedule hereto annexed, with such modifications and alterations as are shown in the said schedule :

Schedule referred to in the above Minute.

REGULATIONS MADE UNDER THE METROPOLIS WATER ACT, 1871.

1. No "communication-pipe" for the conveyance of water from the waterworks of the company into any premises shall hereafter be laid until after the point or place at which such "communication-pipe" is proposed to be brought into such premises shall have had the approval of the company. Place of communication-pipe.

2. No lead pipe shall hereafter be laid or fixed in or about any premises for the conveyance of or in connexion with the water supplied by the company (except when and as otherwise authorised by these regulations, or by the company), unless the same shall be of equal thickness throughout, and of at least the weight following, hat is to say :— Weight of lead pipes.

Internal diameter of Pipe in inches.	Weight of Pipe in lbs. per lineal yard.
$\frac{3}{8}$-inch diameter.	5 lbs. per lineal yard.
$\frac{1}{2}$,, ,,	6 ,, ,,
$\frac{5}{8}$,, ,,	$7\frac{1}{2}$,, ,,
$\frac{3}{4}$,, ,,	9 ,, ,,
1 ,, ,,	12 ,, ,,
$1\frac{1}{4}$,, ,,	16 ,, ,,

3. Every pipe hereafter laid or fixed in the interior of any dwelling-house for the conveyance of, or in connexion with, the water of the company, must, unless with the consent of the company, if in contact with the ground, be of lead, but may otherwise be of lead, copper, or wrought iron, at the option of the consumer. Interior pipes.

4. No house shall, unless with the permission of the company in writing, be hereafter fitted with more than one "communication-pipe." Not more than one communication-pipe to each house.

5. Every house supplied with water by the company (except in cases of stand-pipes) shall have its own separate "communication-pipe." Provided that, as far as is consistent with the special Acts of the company, in the case of a group or block of houses, the Every house, with certain exceptions, to have its own communication-pipe.

water-rates of which are paid by one owner, the said owner may, at his option, have one sufficient "communication-pipe" for such group or block.

No house to have connexion with fittings of adjoining house.

6. No house supplied with water by the company shall have any connexion with the pipes or other fittings of any other premises, except in the case of groups or blocks of houses, referred to in the preceding regulation.

Connexion to be by ferrule or stop-cock.

7. The connexion of every "communication-pipe" with any pipe of the company shall hereafter be made by means of a sound and suitable brass screwed ferrule or stop-cock with union, and such ferrule or stop-cock shall be so made as to have a clear area of waterway equal to that of a half-inch pipe. The connexion of every "communication-pipe" with the pipes of the company shall be made by the company's workmen, and the company shall be paid in advance the reasonable costs and charges of and incident to the making of such connexion.

Material and joints of external pipes.

8. Every "communication-pipe" and every pipe external to the house and through the external walls thereof, hereafter respectively laid or fixed, in connexion with the water of the company shall be of lead, and every joint thereof shall be of the kind called a "plumbing" or "wiped" joint.

No pipe to be laid through drains, &c.

9. No pipe shall be used for the conveyance of, or in connexion with, water supplied by the company, which is laid or fixed through, in, or into any drain, ashpit, sink or manure-hole, or through, in, or into any place where the water conveyed through such pipe may be liable to become fouled, except where such drain, ashpit, sink, or manure-hole, or other such place, shall be in the unavoidable course of such pipe, and then in every such case such pipe shall be passed through an exterior cast-iron pipe or jacket of sufficient length and strength, and of such construction as to afford due protection to the water-pipe.

Depth of pipes under ground.

10. Every pipe hereafter laid for the conveyance of, or in connexion with, water supplied by the company, shall, when laid in open ground, be laid at least two feet six inches below the surface, and shall in every exposed situation be properly protected against the effects of frost.

No connexion with rain water receptacle.

11. No pipe for the conveyance of, or in connexion with, water supplied by the company, shall communicate with any cistern, butt, or other receptacle used or intended to be used for rain-water.

Stop-valve.

12. Every "communication-pipe" for the conveyance of water to be supplied by the company into any premises shall have at or near its point of entrance into such premises, and if desired by the consumer within such premises, a sound and suitable stop-valve of the screw-down kind, with an area of waterway not less than that of a half-inch pipe, and not greater than that of the "communication-pipe," the size of the valve within these limits being at the option of the consumer. If placed in the ground such "stop-valve" shall be protected by a proper cover and "guard-box."

Character of cisterns and ball-taps.

13. Every cistern used in connexion with the water supplied by the company shall be made and at all times maintained water-tight, and be properly covered and placed in such a position that it may be inspected and cleansed. Every such existing cistern, if not already provided with an efficient "ball-tap," and every such future cistern shall be provided with a sound and suitable "ball-tap" of the valve kind for the inlet of water.

Waste-pipes to be removed or converted into warning-pipes.

14. No overflow or waste-pipe other than a "warning-pipe" shall be attached to any cistern supplied with water by the company, and every such overflow or waste-pipe existing at the time when

these regulations come into operation shall be removed, or at the option of the consumer shall be converted into an efficient "warning-pipe," within two calender months next after the company shall have given to the occupier of, or left at the premises in which such cistern is situate, a notice in writing requiring such alteration to be made.

Arrangement of warning-pipes.

15. Every "warning-pipe" shall be placed in such a situation as will admit of the discharge of the water from such "warning-pipe" being readily ascertained by the officers of the company. And the position of such "warning-pipe" shall not be changed without previous notice to and approval by the company.

Buried cisterns prohibited.

16. No cistern buried or excavated in the ground shall be used for the storage or reception of water supplied by the company, unless the use of such cistern shall be allowed in writing by the company.

Butts prohibited.

17. No wooden receptacle without a proper metallic lining shall be hereafter brought into use for the storage of any water supplied by the company.

Ordinary draw-tap.

18. No draw-tap shall in future be fixed unless the same shall be sound and suitable and of the "screw-down" kind.

Draw-taps in connexion with stand-pipes.

19. Every draw-tap in connexion with any "stand-pipe" or other apparatus outside any dwelling-house in a court or other public place, to supply any group or number of such dwelling-houses, shall be sound and suitable and of the "waste-preventer" kind, and be protected as far as possible from injury by frost, theft, or mischief.

Boilers, waterclosets, and urinals to have cisterns.

20. Every boiler, urinal, and watercloset, in which water supplied by the company is used (other than waterclosets in which hand flushing is employed), shall, within three months after these regulations come into operation, be served only through a cistern or service-box and without a stool-cock, and there shall be no direct communication from the pipes of the company to any boiler, urinal, or watercloset.

Watercloset apparatus.

21. Every watercloset-cistern or watercloset service-box hereafter fitted or fixed in which water supplied by the company is to be used, shall have an efficient waste-preventing apparatus, so constructed as not to be capable of discharging more than two gallons of water at each flush.

Urinal-cistern apparatus.

22. Every urinal-cistern in which water supplied by the company is used other than public urinal cisterns, or cisterns having attached to them a self-closing apparatus, shall have an efficient "waste-preventing" apparatus, so constructed as not to be capable of discharging more than one gallon of water at each flush.

Watercloset down-pipes.

23. Every "down-pipe" hereafter fixed for the discharge of water into the pan or basin of any watercloset shall have an internal diameter of not less than one inch and a quarter, and if of lead shall weigh not less than nine pounds to every lineal yard.

Pipes supplying watercloset to communicate with cistern only.

24. No pipe by which water is supplied by the company to any watercloset shall communicate with any part of such watercloset, or with any apparatus connected therewith, except the service-cistern thereof.

Bath to be without overflow pipe.

25. No bath supplied with water by the company shall have any overflow waste pipe, except it be so arranged as to act as a "warning-pipe."

Bath apparatus.

26. In every bath hereafter fitted or fixed the outlet shall be distinct from, and unconnected with, the inlet or inlets; and the inlet or inlets must be placed so that the orifice or orifices shall be

above the highest water level of the bath. The outet of every such bath shall be provided with a perfectly water-tlight plug, valve, or cock.

Alteration of fittings.

27. No alteration shall be made in any fittings in connexion with the supply of water by the company without two days' previous notice in writing to the company.

Waterway of fittings.

28. Except with the written consent of the consumer, no cock, ferrule, joint, union, valve, or other fitting, in the course of any "communication-pipe," shall have a waterway of less area than that of the "communication-pipe," so that the waterway from the water in the district-pipe or other supply-pipe of the company up to and through the stop-valve prescribed by regulation No. 12, shall not in any part be of less area than that of the "communication-pipe" itself, which pipe shall not be of less than a half-inch bore in all its course.

Weight of lead pipes having open ends.

29. All lead "warning-pipes," and other lead pipes of which the ends are open, so that such pipes cannot remain charged with water, may be of the following minimum weights, that is to say:—

½-inch	(internal diameter)	- -	3 lbs. per yard.
¾ „	do.	- -	5 „
1 „	do.	- -	7 „

Definition of "communication-pipe."

30. In these regulations the term "communication-pipe" shall mean the pipe which extends from the district pipe or other supply pipe of the company up to the "stop-valve" prescribed in the regulation No. 12.

Penalties.

31. Every person who shall wilfully violate, refuse, or neglect to comply with, or shall wilfully do or cause to be done any act, matter, or thing, in contravention of these regulations, or any part thereof, shall, for every such offence, be liable to a penalty in a sum not exceeding £5.

Authorised officer may act for company.

32. Where under the foregoing regulations any act is required or authorised to be done by the company, the same may be done on behalf of the company by an authorised officer or servant of the company; and where under such regulations any notice is required to be given by the company, the same shall be sufficiently authenticated if it be signed by an authorised officer or servant of the company.

Existing fittings.

33. All existing fittings, which shall be sound and efficient, and are not required to be removed or altered under these regulations, shall be deemed to be prescribed fittings under the "Metropolis Water Act, 1871."

APPENDIX E.

ELECTRIC LIGHTING ACTS, 1882 AND 1888.

BOARD OF TRADE REGULATIONS:—

(A), for securing the SAFETY of the PUBLIC.

* * *

Definitions.

In the following regulations—

The expression "the Order" means the

The expression "the Undertakers" means the Undertakers or the purposes of the Order.

* * *

The expression "pressure" means the difference of electrical potential between any two conductors through which a supply of energy is given, or between any part of either conductor and the earth; and—

(*a*.) Where the conditions of the supply are such that the pressure may at any time exceed 500 volts if continuous, or 250 volts if alternating, but cannot exceed 3,000 volts, whether continuous or alternating, the supply shall be deemed a high pressure supply:

(*b*.) Where the conditions of the supply are such that the pressure may on either system exceed 3,000 volts, the supply shall be deemed an extra high pressure supply.

The expressions "high pressure" and "extra high pressure" respectively are used in relation to electric lines, conductors, circuits, and apparatus, according to the conditions of the supply delivered through the same or particular portions thereof.

Where these regulatios require any metallic body to be "efficiently connected with earth," it shall be connected with the general mass of earth in such manner as will ensure at all times an immediate and safe discharge of electrical energy.

Other expressions to which meanings are assigned in the Order or in the above-mentioned Acts have the same respective meanings in these regulations

A.—REGULATIONS FOR SECURING THE SAFETY OF THE PUBLIC.

* * *

(1.)-(15.) *General.*

(15.) Where any accident by explosion or fire, or any other accident of such kind as to have caused or to be likely to have caused loss of life or personal injury has occurred at any part of any electric line or work, the Undertakers shall give immediate notice thereof to the Board of Trade. Accidents to be reported.

(16.)-(26.) *Aerial Lines.*

Electric Lines other than Aerial Lines.

(27.) All conduits, pipes, casings, and street boxes used as receptacles for electric lines shall be constructed of durable material, and where laid under carriage ways shall be of ample strength to prevent damage from heavy traffic; and reasonable means shall be taken by the Undertakers to prevent accumulation of gas in such receptacles. Construction of receptacles for electric lines.

Crossing pipes, &c.

(28.) Where any electric line crosses, or is in proximity to, any metallic substance, special precautions shall be taken by the Undertakers against the possibility of any electrical discharge to the metallic substance from the line or from any metal conduit, pipe or casing enclosing the line.

Electric continuity of metal conduits. pipes, and casings.

(29.) All metal conduits, pipes, or casings containing any electric line shall be efficiently connected with earth; and shall be so jointed and connected across all street boxes and other openings as to make good electrical connexion throughout their whole length.

Precautions against charging of short lengths of pipe, &c.

(30.) Where isolated lengths of metal conduit, pipe, or casing are used for the protection of any electric line at road crossings or similar positions, special precautions shall be taken to prevent the possibility of any electrical charging thereof.

Precautions to be taken when bare conductors are used.

(31.) Where the conductors of electric lines placed in any conduit are not continuously covered with insulating material, they shall be secured in position, and no unfixed uninsulated material of a conducting nature shall be contained in the conduit. No such conductor shall be at a higher potential than 300 volts.

Adequate precautions shall also be taken to ensure that no accumulation of water shall take place in any part of the conduit, and to prevent any dangerous access of moisture to the conductors or the insulators.

In the case of any such electric lines laid in conduits after the date of these regulations, the insulators shall be so disposed that they can be readily inspected.

High pressure lines laid above ground.

(32.) Every portion of any high pressure electric line placed above the surface of the ground, or in any subway not in the sole occupation of the Undertakers, shall be completely enclosed either in a tube of highly insulating material embedded in brickwork, masonry, or cement concrete, or in strong metal casing efficiently connected with earth.

High pressure lines laid in proximity to other electric lines or to the surface of the ground.

(33.) Where any high pressure electric line is laid beneath the surface of the ground, efficient means shall be taken to render it impossible that the surface of the ground or any neighbouring electric line or conductor shall become charged by leakage from the high pressure electric line.

Street Boxes.

Street boxes.

(34.) In addition to the provisions contained in Regulation 27 as to the construction of receptacles for electric lines, the following regulations shall be observed with respect to the construction of street boxes:—

(*a.*) The covers of all street boxes shall be so secured that they cannot be opened except by means of a special appliance.

(*b.*) The covers of all street boxes containing high pressure apparatus other than cables shall be connected to strips of metal laid immediately underneath the adjacent roadway, and efficient means shall be taken to render it impossible that the covers or other exposed parts of these boxes, or any adjacent material forming the surface of the street, shall become electrically charged, whether by reason of leakage, defect, or otherwise.

(*c.*) Where street boxes are used as transformer chambers, reasonable means shall be taken to prevent as far as possible any influx of water, either from the adjacent soil or by means of pipes; and in the case of any such street box exceeding one cubic yard in capacity, ample provision shall

be made, by ventilation or otherwise, for the immediate escape of any gas which may by accident have obtained access to the box, and for the prevention of danger from sparking.

(*d.*) All street boxes shall be regularly inspected for the presence of gas, and if any influx or accumulation is discovered, the Undertakers shall give immediate notice to the authority or company whose gas mains are laid in the neighbourhood of the street box.

* * *

[(35.) *Transforming Stations.*]

[(36.)-(43.) *Consumer's Premises.*]

Arc Lighting.

Arc lamps to be guarded.

(44.) All arc lamps shall be so guarded as to prevent pieces of ignited carbon or broken glass falling from them, and shall not be used in situations where there is any danger of the presence of explosive dust or gas.

Height from ground.

(45.) Arc lamps used in any street for public lighting shall be so fixed as not to be in any part at a less height than 10 feet from the ground.

Cut-off switch.

(46.) Arc lamps used in any street for private lighting shall be fixed so as not to be in any part at a less height than 8 feet from the ground, and shall be so screened as to prevent risk of contact with persons. A cut-off switch, fixed in a suitable locked receptacle, shall be provided for every high pressure arc lamp, and such switch shall be of such pattern and construction as will provide:—

(*a.*) That the lamp can by its means be entirely disconnected from the supply circuit;

(*b.*) That the switch itself can be safely operated in the dark without special precautions; and

(*c.*) That there shall be no danger of any injurious electrical arcing, sparking, or heating being caused by the operation of the switch.

[(47.) Penalties for default.]

These regulations are made subject to the power of the Board of Trade to make such further or other regulations as they may think expedient; and nothing in these regulations shall be construed to authorise the Undertakers to lay any electric line or work their undertaking otherwise than in accordance with the Order and the principal Act, or to supply energy otherwise than by a system for the time being approved of by the Board of Trade under the Order.

These are the regulations and conditions for securing the safety of the public and for ensuring a proper and sufficient supply of electrical energy, made by the Board of Trade under the provisions of the Electric Lighting Acts, 1882 and 1888, and of the

, referred to in the letter from the Board of Trade to

of the day of , one thousand nine hundred and , and that date shall be deemed to be the date of these regulations.

Assistant Secretary,
Board of Trade.

APPENDIX F.

LONDON COUNTY COUNCIL.

BY-LAWS—SUBWAYS.

Made by the LONDON COUNTY COUNCIL and altered and approved by the Board of Trade, under the Provisions of the London County Council (Subways) Act, 1893, with respect to Subways vested in the Council.

These by-laws do not apply to any pipe or wire authorised to be laid or placed by any provisional order or license under the Electric Lighting Acts, 1882 and 1888, or under any special Act incorporating the said Acts or (in respect of such wires) to any company authorised to lay or place the same.

1.—Fourteen days at the least before the day on which any company, body, or person desires to place or bring any pipe or wire (other than a service pipe or wire) into a subway, such company, body, or person shall give notice in writing to the Council of such desire, accompanied by full particulars in writing of the position and manner in which such pipe or wire (other than a service pipe or wire) is proposed to be brought into and placed in the subway, and of the dimensions and full particulars of any pipe or wire (other than a service pipe or wire) that is proposed to be placed or brought into the subway; and also the proposed method of supporting the same, and, in the case of a wire, particulars of the insulation and highest electro motive force for which it will be used. No company, body, or person shall place or bring any pipe or wire (other than a service pipe or wire) into a subway, until the Council shall have signified its consent in writing under the hand of its Engineer to the position and manner in which such pipe or wire (other than a service pipe or wire) is to be placed, and to the method by which such pipe or wire (other than a service pipe or wire) is to be brought into the subway. Provided always that this by-law shall not apply in case of emergency or in case of the necessity for repair of any pipe or wire, or the replacement of a single length of pipe. Should any emergency arise, particulars in writing of any work done shall be forthwith sent to the Council's Engineer.

2.—Three days at the least before the day on which any company, body, or person desires to place or bring any service pipe or wire into a subway, such company, body, or person shall give notice in writing to the Council of such desire, accompanied by full particulars in writing of the position and manner in which such service pipe or wire is proposed to be brought into and placed in the subway, and of the dimensions of such service pipe or wire, and in the case of a service wire particulars of the insulation and highest electro-motive force for which it will be used. No company, body, or person shall place or bring any service pipe or wire into a subway until the Council shall have signified its consent, in writing, under the hand of its Engineer, to

the position and manner in which such service pipe or wire is to be placed, and to the method by which such service pipe or wire is to be brought into the subway. Provided always that this by-law shall not apply in case of emergency or in case of the necessity for the repair of any service pipe or wire, or the replacement of any service pipe or wire. Should any emergency arise, particulars in writing of any work done shall be forthwith sent to the Council's Engineer.

3.—Fourteen days at the least before the day on which any company, body, or person desires to take any pipe or wire out of a subway such company, body, or person shall give notice in writing to the Council of the manner in which such pipe or wire is proposed to be taken out of the subway. No company, body, or person shall take any pipe or wire out of the subway until the Council shall have signified its consent, in writing, under the hand of its Engineer to the manner in which such pipe or wire is to be taken out of the subway. Provided always that this by-law shall not apply in case of emergency or in case of the necessity for repair of any pipe or wire, or the replacement of a single length of pipe. Should any emergency arise, particulars in writing of any work done shall be forthwith sent to the Council's Engineer.

4.—A company, body, or person desiring to repair or alter any pipe or wire in a subway, or to replace a single length of pipe in a subway, shall (except in case of emergency) give three days' notice in writing to the Council of the nature of such repair, alteration, or replacement, and of the manner in which such repair or alteration or replacement is proposed to be made, and shall not commence such repair or alteration or replacement until after obtaining the consent in writing of the Council to the same under the hand of its Engineer. Should any case of emergency arise, particulars in writing of any work done shall be forthwith sent to the Council s Engineer.

5.—Whenever a notice shall have been duly given in accordance with the foregoing by-laws, and the Council do not, before the expiration of such notice, approve under the hand of its Engineer the proposals in such notice, subject to such amendments or conditions as may seem fit, or disapprove the same, and give notice of such approval or disapproval to the company, body or person giving such notice, the Council shall be deemed to have given their consent to the proposals in such notice.

6.—If, within 14 days after particulars in writing of any work done in case of emergency shall have been received by the Council's Engineer the Council shall, under the hand of its Engineer, disapprove of such work, the company, body, or person by whom such work was done shall forthwith alter or amend it to the satisfaction of the Council, to be signified in writing by the hand of its Engineer.

7.—No company, body, or person shall commence the execution of any work which will involve the alteration and reconstruction of any part of a subway until the expiration of 48 hours after such company, body, or person shall have given to the owner of every pipe or wire in the subway notice in writing specifying the nature of the work and the time at which it is to be commenced.

8.—No company, body, or person shall take into a subway any candle, lamp, or light other than a safety lamp of a pattern approved by the Council, or smoke, or take, strike, or use therein any match, except with the consent of and under conditions approved by the inspecting officer of the Council appointed for the purpose.

9.—No company, body, or person shall open or raise any grating or other means of access to a subway or enter therein (except in case of emergency) without the consent in writing of the Council under the hand of its Engineer.

N.B.—*The keys of the subway entrances will be kept at such places, and by such officials, as may from time to time be appointed by the Council for the purpose; each company, body, or person having pipes in a subway will be supplied by the Council with a card stating the places at which, and the names of the officials in whose custody the keys are kept, which card shall be produced to the official whenever application is made for access to a subway; and such officials will arrange for the opening and closing when required of the gratings or covers for persons entering or leaving a subway.*

10.—No company, body, or person shall allow any grating or other means of access to a subway to be opened or to remain open without providing a temporary fence or protection and leaving a watchman to guard the same.

11.—No company, body, or person shall (except in case of emergency) enter or remain in a subway between the hours of 6 p.m. and 6 a.m.

12.—Every company, body, or person having a pipe or wire in a subway shall, within six months of the confirmation of these by-laws, deposit with the Council full particulars in writing of such pipe or wire, stating name of subway; date when first placed; position, dimensions, gauge, material, and purpose for which it is used or proposed to be used; nature of supports (if any); and within a further period of six months, if so required by the Engineer of the Council, shall deposit with the Council a plan, on a scale of not less than 88 feet to one inch, showing the position, with such detail drawings as the Council may require.

13.—Every company, body, or person depositing the particulars and plan required by the last preceding by-law shall, once in every subsequent year, cause such particulars and plan to be duly corrected to date.

14.—No company, body, or person shall store materials in a subway, or allow any rubbish to accumulate or remain therein.

15.—No person shall commit any nuisance in a subway.

16.—All persons working or being in a subway shall conform to all reasonable requirements of the Council's officers.

17.—Every company, body, or person using a subway shall pay to the Council on the usual quarter days in each year, fees and charges according to the following scale—

(*a*) A charge of 5s. for each day or part of a day during which a pipe or wire is being repaired, or altered, or laid in or removed from a subway.

(*b*) A charge of 1s. for opening or closing a subway at any time other than that fixed for the daily visit of the Council's officers.

(*c*) An annual charge for use and supervision as set out in the following tables.

Table of annual charges for Water and Gas Companies having power to break up streets.

Name of Subway.	Length in yards, about	Charge in respect of a pipe. (The word "pipe" includes a gas pipe, water pipe, main, line, tube for wires, or other tube.) Internal diameter of pipes.					
		Under 3 inches.	3 and under 6 inches.	6 and under 18 inches.	18 and under 24 inches.	24 to 36 inches.	Above 36 inches
		£	£	£	£	£	£
Garrick-street	100	1	2	2	2	2	3
Commercial-road East ..	380	1	2	2	5	6	10
Northumberland-avenue..	310	1	2	2	5	6	10
Shaftesbury-avenue ..	900	1	2	5	12	14	24
Charing-cross-road ..	900	1	2	5	12	14	24
Southwark-street	1,100	1	2	6	12	16	27
Queen Victoria-street ..	1,200	1	4	7	14	18	30
Victoria-embankment .	2,230	1	5	8	20	30	50
Rosebery-avenue	800	1	2	4	8	10	20

These charges are for the use of the entire length of a subway. Where a portion only of the length is used, a reduction will be made.

Table of annual charges for companies, bodies, or persons, other than Water or Gas Companies having power to break up streets.

Name of Subway.	Length in yards, about	Charge in respect of a pipe. (The word "pipe" includes a wire, main, line, tube for wires, or other tube.) Internal diameter of pipes.			
		3 inches and under.	Over 3 and under 6 inches.	6 and under 12 inches.	12 to 18 inches.
		£	£	£	£
Garrick-street..	100	2	3	4	5
Commercial-road East ..	380	5	10	11	14
Northumberland-avenue ..	310	4	8	10	12
Shaftesbury-avenue.. .	900	12	22	26	34
Charing-cross-road	900	12	22	26	34
Southwark-street	1,100	14	25	28	40
Queen Victoria-street .	1,200	15	30	35	45
Victoria-embankment ..	2,230	30	56	65	84
Rosebery-avenue	800	10	18	22	30

These charges are for the use of the entire length of a subway. Where a portion only of the length is used, a reduction will be made.

18.—Any company, body, or person failing to comply with, or doing anything prohibited by, any of these by-laws, or any of the provisions of the London County Council (Subways) Act, 1893, or delivering to the Council any particulars or plans, or making any corrections therein, which to their or his knowledge are incorrect, shall be guilty of an offence against these by-laws, and shall be liable to a penalty not exceeding five pounds, and to a further penalty not exceeding forty shillings for each day during which such offence is continued after written notice of the offence shall have been given.

Sealed by Order,
H. DE LA HOOKE,
Clerk of the Council.
Spring Gardens, *3rd December*, 1895.

L. S.

Approved and allowed by the Board of Trade,
COURTENAY BOYLE,
10th December, 1895. *Secretary to the Board of Trade.*

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